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Air Pollution Regulations in State Implementation Plans: Michigan

Abcor Inc, Wilmington, MA Walden Div

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Michigan

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Michigan

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Walden Division of Abcor, Inc.
Wilmington, Massachusetts

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EPA Project Officer: Bob Schell

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U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
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Publication No. EPA-450/3-78-072

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MICHIGAN

Submittal Date	Approval Date	Description
3/30/72	5/31/72	SO_2 Part 3, Air Pollution Episodes, Part 6
5/4/72	5/31/72	Grand Rapids - Section 9.35, 9.36
1/25/74	2/11/77	Rule 336. Part 2

FEDERAL REGULATIONS

Section Number	Description
52.1175	Compliance Schedules
52.1176	Review of New or Modified Indirect Sources
52.1180	Prevention of Significant Deterioration

DOCUMENTATION OF CURRENT EPA-APPROVED STATE AIR POLLUTION REGULATIONS

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MICHIGAN AIR POLLUTION IMPLEMENTATION PLAN

AIR POLLUTION CONTROL COMMISSION

GENERAL RULES

(By authority conferred on the air pollution control commission by sections 5 and 7 of Act no. 348 of the Public Acts of 1965, being sections 336.15 and 336.17 of the Compiled Laws of 1948).

(1.0) PART 1

DEFINITIONS

R336.11 - Definitions A to F

RULE 11

(1) "Air cleaning device," "air contaminant" and "air pollution," have the meanings stated in section 2 of Act No. 348 of the Public Acts of 1965, being section 336.12 of the Compiled Laws of 1948.

(2) "Fuel-burning equipment" means a device, contrivance or equipment used principally, but not exclusively, for the burning of fuel, and all appurtenances thereto including ducts, breechings, control equipment, fuel-feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, used for indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling; raising steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through vessel walls; and furnishing process heat indirectly through its transfer by fluids.

R 336.12 - Definitions I to O

RULE 12

(1) "Incinerator" means a device specifically designed for the destruction, by burning, of garbage or other combustible refuse or waste material.

(2) "Open burning" means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

(3) "Outer air" means all space outside of buildings, stacks, or exterior ducts.
HISTORY: 1954 ACS 51, p.21

R 336.13 - Definitions P

RULE 13

(1) "Particulate matter" means material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

(2) "Permit to install" means a permit issued by the commission authorizing the construction, installation or alteration, of any process, fuel-burning, incinerator burning or control equipment in accordance with approved plans and specifications.

(3) "Permit to operate" means a certificate issued by the commission authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been demonstrated that it can be operated in compliance with these rules.

(4) "Person" means an individual person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city county, municipality, district or other political subdivision, department, bureau, agency or instrumentality of federal state or local government or other entity recognized by law as the subject of rights and duties.

(5) "Process" or "process equipment" means any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including fuel-burning equipment.

(6) "Process weight" means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion.

(7) "Process weight rate" means a rate established as follows:

(a) For continuous or long run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

(c) When the nature of any process or operation or the design of any equipment is such as to permit more than 1 interpretation that results in the minimum value for allowable emission applies.
HISTORY: 1954 ACS 51 p. 21

R 336.14 - Definitions R and S

RULE 14

(1) "Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 7718, and on which are illustrated graduated shades of gray to black for use in estimating the density of smoke.

(2) "Salvage operation" means an operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

(3) "Smoke" means small gas and airborne particles consisting essentially of carbonaceous material in sufficient numbers to be observable.

(4) "Source operation" means the last operation preceding the emission of an air contaminant which operation

(a) results in the separation of the air contaminant from the process material or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and

(b) is not an air pollution abatement operation.

(5) "Source sample" means a sample of the emission from an air contamination source, collected for analysis from within a stack or an effluent stream.

(6) "Stack" or "chimney" means a flue, conduit or duct arranged to

conduct an effluent to the open air.

(7) "Standard conditions" means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.
HISTORY: 1954 ACS 51, p. 22.

(3.0) PART 2

AIR USE APPROVAL

R 336.21 - Permits to install

RULE 21

(1) A person shall not install, construct, reconstruct or alter any process, fuel burning, or refuse burning equipment, which may be a source of an air contaminant, or control equipment pertaining thereto, before issuance of a permit by the commission. This will be known as a permit to install and will cover construction, reconstruction and alteration of equipment where that is involved. A person planning to install, construct, reconstruct or alter any such equipment shall apply to the commission for a permit to install and provide the information required in rule 24.

(2) In case of proposed equipment for which a permit to install is required by subrule (1), of such magnitude that some phases of construction such as site clearing, foundations, and associated structures have to commence before issuance of the permit to install, approval of the location of the proposed equipment shall be applied for and obtained from the commission before commencement of the construction. The commission shall act on such application with a reasonable time and shall not approve the proposed location unless it is reasonable convinced that the equipment when completed will be in compliance with the commission's rules.

(3) An application for a permit to install may be approved subject to any condition necessary to assure compliance with these rules which shall be specified in writing.

(4) Trial operation of the equipment is permitted until the commission acts upon the permit to operate.

R 336.22 - Waivers of approval

RULE 22

If the requirement for approval prior to construction will create an undue hardship to the applicant, the applicant may request of the commission a waiver to proceed with construction. The application for a waiver shall explain the circumstances which will cause the undue hardship. The application shall be acted upon by the commission within 30 days. If a waiver is granted, the applicant shall submit pertinent plans and specifications for approval as soon as is reasonably practical. The applicant, after a waiver is granted, proceeds with the construction at his own risk. After construction, modification, relocation or installation has begun or been completed, if the plans and specifications and completed installations do not meet commission approval, the alterations required to effect approval shall be made within a reasonable time as specified by the commission. Application forms furnished by the commission shall be signed by the owner or his authorized agent.

R 336.24 - Information required

RULE 24

An application for a permit to install shall include information required by the commission on the application form or by written notice. If considered by the commission to be pertinent to evaluation of the equipment for which a permit is sought, this information shall include, but is not necessarily limited to:

(a) Expected composition of effluent stream, both before and after installation of an air cleaning device, including emission rate, concentration, exhaust gas volume and exhaust gas temperature.

(b) Expected physical and chemical characteristics of air contaminants.

(c) Detail of air cleaning devices, if any, including description, design parameters and anticipated performance.

(d) Location and elevation of the emission point and other factors relating to dispersion and diffusion of the contaminant in the outer air, and the relation of the emission point to nearby structures, window opening and other information necessary to appraise the possible effects of the effluent.

(e) Method of disposal of wastes resulting from operation of the process equipment or air cleaning devices.

(f) A plan for reduction of emissions during air pollution alerts, warnings, and emergencies where required by subrule (1) of rule 78.

(g) Information in a form prescribed by the commission and necessary for preparation of an environmental impact statement if in the judgment of the commission the equipment for which a permit is sought may have a significant effect on the environment.

R 336.25 - Authority of agents

RULE 25

When a person files plans and specifications as the agent of an owner the owner shall furnish the agent with a letter of authroization for filing of the plans and specifications, and this letter shall be submitted with the plans and specifications.

R 336.26 - Processing of applications

RULE 26

(1) The commission shall notify the applicant in writing of approval, conditional approval or denial of an application for a permit to install within 60 days after receipt of the application except as provided in subrule (2). A copy of a permit approval or denial shall be furnished to appropriate air pollution control authorities.

(2) When delays would cause undue hardship to an applicant or materially handicap his need for proceeding promptly with the proposed installation, modification or relocation, a request for priority consideration and the justification therefore shall be submitted. When a priority is granted, the application, if practicable, will be processed within 15 days after receipt of the request for priority.

R 336.28 - Denial of permits to install

RULE 28

(1) The commission shall deny an application for a permit to install if, in the judgment of the commission:

(a) The equipment for which the permit is sought would not operate in compliance with the rules of the commission or state law.

(b) The equipment for which the permit is sought would interfere with the attainment or maintenance of the air quality standard for any air contaminant.

(c) The equipment for which the permit is sought would violate the provisions of the clean air act, being 42 USC 1857 et seq, and particularly the rules promulgated at Volume 36 Federal Register 24876 to 25895, dated December 23, 1971.

(d) Sufficient information has not been submitted by the applicant to enable the commission to make reasonable judgments as required by subdivisions (a) to (c).

(e) Adequate requested information for preparation of an environmental impact statement is not submitted.

(f) Operation of the equipment would result in substantial deterioration of air quality.

(g) A satisfactory plan for reduction of emissions during air pollution alerts, warnings, and emergencies where required by rule 24 is not submitted.

(2) When an application is denied, the applicant shall be notified in writing of the reasons therefor. A denial shall be without prejudice to the applicant's right to a hearing before the commission or for filing a further application after revisions are made to meet objections specified as reasons for the denial.

R 336.29 - Permits to operate

RULE 29

(1) Except as otherwise provided in subrule 4 of rule 21, a person shall not operate a process, fuel burning, or refuse burning equipment which may be a source of an air contaminant, nor an air cleaning device pertaining thereto, before issuance of a permit to operate by the commission.

(2) Not more than 30 days after completion of the installation, construction, reconstruction or alteration of a process, fuel burning or refuse burning equipment, or an air cleaning device pertaining thereto, which may be a source of an air contaminant, the owner or his authorized agent of the process or device shall apply in writing to the commission for a permit to operate. Completion of the installation, construction, reconstruction or alteration is deemed to occur not later than commencement of a trial operation pursuant to subrule (4) of rule 21.

(3) The commission shall issue the permit to operate equipment unless the permit is denied because in the judgment of the

commission 1 or more of the following reasons exists:

(a) The equipment does not operate in compliance with the rules of the commission, the clean air act, being 42 USC 1857 et seq, and the rules promulgated in Volume 36 Federal Register 24876 to 24895, dated December 23, 1971.

(b) It interferes with the attainment or maintenance of the air quality standard for any air contaminant.

(c) It is not completed in compliance with the permit to install.

(d) Operation of the equipment results in substantial deterioration of air quality.

(4) Except for conditions beyond the reasonable control of the operator, such as mechanical and power failures which can be and are readily repaired or corrected, the permit to operate continues in effect as long as the equipment performs in accordance with the conditions upon which the permit is based. The commission at any time after notice and opportunity for hearing may rescind its permit to operate and the equipment shall not be operated if evidence indicates that the equipment is not performing in accordance with the conditions upon which the permit is based.

R 336.30 - Suspension of applicability of these rules

RULE 30

The commission may suspend the applicability of these rules and regulations as to specific counties, cities or villages when it finds that compliance with the local air pollution control ordinance or regulation, would effectuate substantial compliance with the provisions of these rules and regulations. Whenever the commission so suspends the applicability of these rules and regulations, it will, whenever it deems it necessary to assure compliance with the rules and regulations, reinstate them with full force and effect generally, or for the purposes of a specific application. The commission shall at all times maintain and make available to the public a current list of each local commission or authority with respect to which the commission has suspended the applicability of these rules and regulations and will furnish to the applicant upon request a copy of such list on the letterhead of the commission.

R 336.31 - Permit system exemptions; cooling and ventilating equipment.

RULE 31

The permit system does not apply to:

(a) Cold storage refrigeration equipment.

(b) Comfort air conditioning or comfort ventilating systems not designed to remove air contaminants generated by or released from specific units of equipment.

(c) Natural draft hoods or natural draft ventilation.

(d) Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

R 336.32 - Permit system exemptions; cleaning, washing and drying equipment.

RULE 32

The permit system does not apply to:

(a) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(b) Equipment used for portable steam cleaning.

(c) Blast cleaning equipment using a suspension of abrasive in water and any exhaust system or collector serving them exclusively.

(d) Equipment used for washing or drying products fabricated from metal or glass, if no volatile organic materials are used in the process and no oil or solid fuel is burned.

(e) Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions of bleach or detergents.

R 336.33 - Permit system exemptions; furnaces, ovens and heaters

RULE 33

The permit system does not apply to:

(a) Natural gas fired, liquefied petroleum gas fired, or electrically heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(b) Porcelain enameling furnaces or porcelain enameling drying ovens and any exhaust equipment serving them exclusively.

(c) Kilns for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas or any combination thereof, or heated electrically, and any exhaust system or collector serving them excluively.

(d) Blacksmith forges.

(e) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted nor any fluxing conducted utilizing free chlorine, chloride and fluoride derivatives and ammonium compounds.

(f) Gas fuel and No. 1 and No. 2 fuel-oil burning equipment with a maximum heat input of 19 million BTU/hour used for space heating, service water heating, or electric power generation and indirect heaters used in oil and gas producing and process operations.

(g) Fuel burning, refuse burning and cooking equipment used in connection with a structure designed and used exclusively as a dwelling for not more than 3 families.

(h) Bakery ovens and confection cookers where the products are edible and intended for human consumption and any exhaust system or collector serving them exclusively.

R 336.34 - Permit system exemptions; testing and inspection equipment.

RULE 34

The permit system does not apply to:

(a) Laboratory equipment used exclusively for chemical or physical analysis or experimentation except that used for controlling radioactive air contaminants.

(b) Equipment used for hydraulic or hydrostatic testing.

(c) Equipment for inspection of metal products.

R 336.35 - Permit system exemptions; containers.

(a) Dipping operations for coating object with oils, waxes or greases, or natural or synthetic resins contianing no organic solvents.

(b) Electrolytic plating with, electrolytic polishing of or electrolytic stripping of the following metals: brass, bronze, cadmium, copper , iron, lead, nickel, tin, zinc and precious metals.

(c) Storage of butane, propane or liquefied petroleum gas.

(d) Storage of lubricating oils.

R 336.36 - Permit system exemptions; miscellaneous

RULE 36

The permit system does not apply to:

(a) Maintenance structural changes or minor repairs not involving any change in the qulity, nature or quantity of the emission of an air contaminant therefrom.

(b) Equipment used for any mode of transportation.

(c) Internal combustion engines.

(d) Vacuum pumps in laboratory or pilot plant operations.

(e) Unheated solvent dispensing containers or unheated solvent rinsing containers of 60 gallons capacity or less.

(f) Portable brazing, soldering or welding equipment.

(g) Grain, metal or mineral extrusion presses.

(h) The following equipment and an exhaust system or collector serving it exclusively:

(i) Drop hammers or hydraulic presses for forging or metal working.

(ii) Die casting machines

(iii) Equipment for surface preparation of metals by use of aqueous solutions, except for acid solutions.

(iv) Atmosphere generators used in connection with metal heat treating processes.

(v) Equipment used exclusively for sintering of glass or metals, but not exempting equipment used for sintering metal bearing ores, metal scale, clay, flyash or metal compounds.

(vi) Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, planning, buffing or polishing of ceramic artwork, leather, metals, plastics, rubber, wood or wood products on a nonproduction basis.

(vii) Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

(2.0) PART 3

EMISSION LIMITATIONS AND PROHIBITIONS

(50.0) R 336.41 - Standards for density of emissions

RULE 41

No person shall cause or permit to be discharged into the atmosphere from any single source of emission, smoke of a density equal to or darker than No. 2 of the Ringelmann chart except:

(a) Smoke of a density equal to but not darker than No. 2 of the Ringelmann chart may be emitted for not more than 3 minutes in any 30 minute period.

(b) Smoke of a density equal to but not darker than No. 3 of the Ringelmann chart may be emitted for not more than 3 minutes in any 60 minute period, but such emissions shall not be permitted on more than 3 occasions during any 24 hour period.
HISTORY: 1954 ACS 51, p. 25.

(9.0) R 336.42 - Points of measuring density

RULE 42

The density of a smoke plume shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
HISTORY: 1954 ACS 51, p.26.

(9.0) R 336.43 - Darkness grading devices
(50.1.2)

RULE 43

Darkness of visible emissions of smoke shall be graded by using the Ringelmann smoke chart as published by the United States Bureau of Mines in "Information Circular 7718" or by means of devices which result in measurements of equal or better accuracy.
HISTORY: 1954 ACS 51, p.26

(50.1) R 336.44 - Emission of particulate matter

RULE 44

It is unlawful for any person to cause or allow the emission of particulate matter from any source in excess of the emission schedule listed in Table 1.
HISTORY: 1954 ACS 51, p. 26.

(51.13) R 336.45 - Open burning

RULE 45

(1) No person shall cause or permit open burning except where permitted in accordance with Act No. 87 of the Public Acts of 1965, being sections 325.291 to 325.298 of the Compiled Laws of 1948, or rules promulgated thereunder, or where permitted in accordance with Act No. 143 of the Public Acts of 1923, as amended, and Act No. 35 of 1955, being sections 320.1 to 320.48 of the Compiled Laws of 1948.

(2) No person shall conduct a salvage operation by open burning except on written approval of the commission. The commission shall seek advice and guidance of local authorities before issuing such approval.
HISTORY: 1954 ACS 51, p. 26.

(50.0) R 336.46 - Air contaminant or water vapor, when prohibited.

RULE 46

No person shall cause or permit the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by these rules, or an air contaminant or water vapor which reacts or may react with any other air contaminant or natural air, and which causes or will cause detriment to the safety, health, welfare or comfort of any person or which causes or will cause damage to property of business.
HISTORY: 1954 ACS 51, p. 26.

(2.0) R 336.47 - Diluting and concealing emissions

RULE 47

Unless prior written approval is obtained from the commission, no person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. This rule does not apply to the control of odors.
HISTORY: 1954 ACS 51, p.26.

(7.0) R 336.48 - Abnormal conditions and breakdown of equipment

RULE 48

Emissions exceeding any of the limits established in rules as a direct result of abnormal conditions in or breakdown of a process, fuel-burning, refuse-burning, control or related operating equipment beyond the control of the person owning or operating such equipment shall not be deemed to be in violation of such rules, if the owner or operator advises the commission of the circumstances and outlines a corrective program acceptable to the commission.
HISTORY: 1954 ACS 51, p. 26.

(51.6) R 336.49 - Emission of sulfur dioxide from power plants.

RULE 49

(1) It is unlawful for a person to burn in a power plant fuel which does not comply with either the sulfur content limitation of table 3, or which when burned results in sulfur dioxide emissions exceeding an equivalent emission rate as shown in table 4, unless the following conditions are met:

(a) The source of fuel burning is not subject to federal emission standards for new stationary sources.

(b) An installation permit, if required by part 2, has been approved by the commission before August 17, 1971.

(c) The user furnishes evidence that the fuel burning does not create, or contribute to, an ambient level of sulfur dioxide in excess of the applicable ambient air quality standards. The evidence shall be furnished to the commission not later than July 1, 1973 and shall include 12 months of air quality date or equivalent information satisfactory to the commission. The method of obtaining the evidence shall be approved by the commission or its representatives who shall be given the opportunity to calibrate and check the performance of monitors without prior notification of the owner.

(d) The user is operating in compliance with an order, stipulation or variance from the commission.

(2) Notwithstanding the provisions of subrule (1), an exception from the limitations of table 3 will not be permitted after January 1, 1980 unless specified authorization is granted by the commission.

(3) A person responsible for operation of a source which on July 1, 1973 is using fuel with a sulfur content in excess of that allowed to be burned on July 1, 1978 as listed in table 3, or which on July 1, 1973 is emitting sulfur dioxide in excess of the equivalent emission for that fuel as shown in table 4, shall submit to the commission not later than January 1, 1974 a written program for compliance with this rule. This requirement does not apply to a source for which the commission has approved an exception to table 3 under the provisions of subrule (1).

(4) The program required under subrule (3) shall include the method by which compliance will be achieved, a complete description of new equipment to be installed or modifications to existing equipment to be made, and a timetable which specifies, as a minimum, the date by which emissions will be reduced to the levels shown in tables 3 and 4.

(5) The commission may allow any source which is required to submit a compliance program under subrule (3) an extension to the programmed compliance date if the following conditions are met:

(a) The source of fuel burning is not subject to federal emission standards for new stationary sources.

(b) An installation permit, if required by part 2, was approved by the commission before August 17, 1971.

(c) The user furnishes satisfactory evidence to the commission that the fuel burning does not create, or contribute to, an ambient level of sulfur dioxide in excess of the applicable ambient air quality standards.

(6) A person shall not cause or permit the burning of fuel in any fuel burning equipment that results in an average emission of sulfur dioxide for any calendar month at a rate greater than was emitted by that fuel burning equipment for the corresponding

calendar month of the year 1970, unless otherwise authorized by the commission.

(7) The use of fuels having sulfur contents as set forth in this rule shall not allow degradation in the mass rate of particulate emission unless otherwise authorized by the commission. The commission may require source emission tests which may be performed by or under the supervision of the commission at the expense of the owners and may require the submission of reports to the commission both before and after changes are made in the sulfur content in fuel.

Table 3. SULFUR IN FULL LIMITATIONS FOR FUEL BURNING EQUIPMENT

Plant Capacity (a) 1000 lbs. Steam Per Hour	Maximum Sulfur Content in Fuel (b) Percent by Weight (c)	
	July 1, 1975	July 1. 1978
0-500	2.0	1.5
Over 500	1.5	1.0

Table 4. EQUIVALENT EMISSION RATES

% Sulfur in Fuels (c)	Parts Per Million by Volume Corrected to 50% Excess Air		Pounds of Sulfur Dioxide Per Million BTU of Heat Input	
	Solid Fuel (d) (12,000 BTU/ lb)	Liquid Fuel (a) (18,000 BTU/lb)	Solid Fuel (18,000 BTU/lb)	Liquid fuel (18,000 BTU)
1.0	590	420	1.6	1.1
1.5	800	630	2.4	1.7
2.0	1180	840	3.2	2.2

(a) For the purposes of this rule, plant capacity is defined as the total steam production capacity of all coal and oil burning equipment in a power plant as of August 17, 1971. A power plant is defined as a single structure devoted to steam or electric generation or both and may contain multiple boilers.

(b) Maximum sulfur content in fuel is defined as the average sulfur content in all fuels burned at any one time in a power plant. The sulfur content will be calculated on the basis of 12,000 BTU per pound for solid fuels and 18,000 BTU per pound for liquid fuels.

(c) Determination of sulfur content (percent by weight) of fuel shall be carried out in accordance with a procedure acceptable to the commission.

(d) Solid fuels include both pulverized coal and all other coal.

(e) Liquid fuels include distillate oil (#1 and #2), heavy oil (#4, #5 and #6), and crude oil.

(9.0) PART 4

TESTING AND SAMPLING

R 336.51 - Notices

RULE 51

The owner or his authorized agent shall notify the commission in writing not more than 30 days after the completion of an installation when it will be placed in operation. At the same time and where applicable he shall notify the commission of the time, place and person who will conduct tests he will perform on the installation. If a representaive of the commission is to witness the test and the stipulated time is inconvenient he may request a postponement to some other reasonable time.
HISTORY: 1954 ACS 51, p. 26.

R 336.52 - Tests by owners

RULE 52

A representative of the commission shall be permitted to witness the tests. The cost of tests upon which the approval of the report, plans and specifications was based shall be paid by the owner of the install-

ation. Tests shall be conducted in the manner set forth in the application or by another method acceptable to the commission and the results of the test shall be submitted to the commission
HISTORY: 1954 ACS 51, p. 26

R 336.53 - Tests by Commission

RULE 53

The commission or its representatives may conduct separate or additional tests of an installation on behalf of the state at a reasonable time and at the state's expense. Sampling holes, safe scaffolding and pertinent allied facilities, but not instruments and sensing devices, as needed shall be requested in writing by the commission and provided by and at the expense of the owner of the installation at such points as the commission requests. The owner shall provide a suitable power source to the point of testing so that sampling instruments can be operated as required. Analytical results of samples collected by the commission shall be furnished to the owner.
HISTORY: 1954 ACS 51, p. 26.

R 336.54 - Methods and procedures

RULE 54

Sampling and analytical determinations to ascertain compliance with these rules shall be made in accordance with methods and procedures acceptable to the commission.
HISTORY: 1954 ACS 51, p. 26.

(2.0) PART 5

AIR CLEANING DEVICES AND COLLECTED CONTAMINANTS

R 336.61 - Air cleaning devices

RULE 61

An air cleaning device shall be installed and maintained and operated in a satisfactory manner and in accordance with existing laws and these rules.
HISTORY: 1954 ACS 51, p. 26

R 336.62 - Collected Air Contaminants

RULE 62

Collected air contaminants shall be removed and disposed of in conformity with existing laws and these rules and at such intervals as are necessary to maintain the equipment at the required operating efficiency. Collection and disposal shall be performed in a manner so as not to introduce contaminants to the outer air.

TABLE 1 PARTICULATE MATTER EMISSION SCHEDULE

Source	Maximum Allowable Emission at Operating Conditions (a) (lbs. Particulate Per 1,000 lbs. Gas)	
A. Fuel Burning Equipment	Capacity Rating in 1000 Lbs. Steam Per Hr.	
1. Pulverized coal (Includes cyclone furnaces	See Figure 1 for maximum emission values. Note: it is required that a maximum allowable emission listing be applied for to the Air Pollution Control Commission for all pulverized coal (and cyclone) furnaces having capacity ratings in excess of 1 million pounds of steam per hour.	
2. Other modes of firing	0-100	0.65
	100-300	0.65 - 0.45(b)
	over 300	
	Note: It is required that a maximum allowable emission listing be applied for to the Air Pollution Control Commission for all furnaces in this group having capacity ratings in excess of 300,000 pounds of steam per hour.	
B. Incinerators(c)	Rating in Lbs. -Waste Per Hour	
1. Residential apartments	0-200	0.65
	200 and over	0.30
2. Commercial and industrial	0-400	0.65
	400 and over	0.30
3. Municipal	All	0.30

C. Steel Manufacturing		
1. Open hearth furnaces(d)		0.15
2. Basic oxygen furnaces(d)		0.15
3. Electric furnaces(d)		0.15
4. Sintering plants		0.20
5. Blast furnaces		0.15
6. Heating and reheating furnaces		0.30
D. Ferrous Cupolas(e)	Total Plant Melt Rate in Tons/Hr.	
1. Production	0 - 10 11 - 20 21 and over	0.40 0.25 0.15
2. Jobbing		0.40
E. Lime Kilns		
1. Rotary		0.20
2. Other		0.20
F. Asphalt (Paving) Batch Plants		
1. Stationary		0.30
2. Portable in remote locations(f)	Plant Capacity (Tons Per Hour)	
	0 - 100 101 - 150 151 - 200 200 and over	0.60 0.50 0.45 0.35
G. Cement Manufacture		
(Up to 15,000 barrels per day kiln capacity)		

1.	Kiln - wet or dry process	0.25
2.	Clinker coolers	0.30
3.	Grinding, crushing and other material handling	0.15

Note: It is required that a maximum allowable emission listing be applied for to the Air Pollution Control Commission for all kiln installations which will result in a total plant kiln capacity in excess of 15,000 barrels of cement per day.

H. Iron Ore Pelletizing	Gas Flow Rate (SCFM)	
Grate kilns and traveling grates	600,000	0.10
	300,000	0.15
	100,000 or less	0.20

I. Sources Not Specifically Named

The maximum allowable emission of particulate matter from any source except those specified above (Table 1) Shall be determined from Table 2, unless a specific emission level for the process is developed and listed by the commission on its own itiative or by application. All new listed values shall be based upon the control results achievable with the application of the best, technically feasible, practical equipment available.

Note:

(a) Fuel burning and refuse incineration limitations shall be calculated to 50% excess air.

(b) Emission limitations for specific ratings are determined by linear interpolation between the ranges shown.

(c) These emission limitations do not apply to domestic incinerators (defined as having not over 5 cubic feet of storage capacity).

(d) Air cleaning equipment shall be designed for maximum emission of 0.1 pounds per thousand pounds of gas.

(e) Differentiation between jobbing and poroduction foundries: Cupolas used in a jobbing foundry are the same as those used in a production foundry and will vary in size only according to the quantity of iron melted per hour.

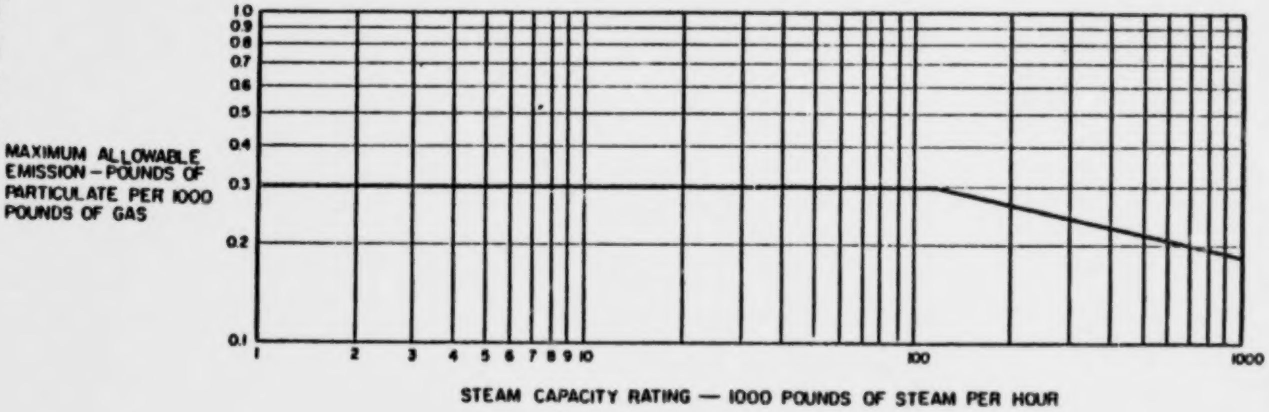
However, the cupolas in a jobbing foundry will be run intermittently for just long enough at 1 time to pour the molds that are ready on the foundry floor, job by job. This might be for a 2 to 4 hour period per day for any number of days per week.

Production foundry cupolas will melt continuously to pour a succession of molds that are constantly being prepared to receive this continuous flow of iron. This could become 8 hours, or 24 hours per day for any number of days per week.

(f) Where no water is available and emission limit of 0.3 pound per 1000 pounds of gas cannot otherwise be satisfied, plant may be located as center point of buffer zone 1 mile in radius having no occupied residences or places of public assembly.

Table 2 ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE (a)

Process Weight Rate		Rate of Emission	Process Weight Rate		Rate of Emission
Lb/Hr.	Tons/Hr.	Lb/Hr.	Lb/Hr.	Tons/Hr.	Lb/Hr.
100	0.05	0.55	16,000	8.00	16.5
200	0.10	0.88	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.95	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			



Note: It is required that a maximum allowable emission listing be applied for to the Air Pollution Control Commission for all pulverized coal (and cyclone) furnaces having capacity ratings in excess of 1 million pounds of steam per hour.

HISTORY: 1954 ACS 51, p. 26.

(a) Interpolation of the data in this table for process weight rates up to 60,000 lb/hr. shall be accomplished by use of the equation $E = 4.10 P$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr. shall be accomplished by use of the equation $E = 55.0 P^{0.11} - 40$, where E = rate of emission in lb/hr. and P = process weight in tons/hr.

Process weight - The total amount of all material introduced into an industrial operation, including solid fuels, but excluding liquid fuels and gaseous fuels when these are used as fuels and air introduced for purposes of combustion.

Process weight rate - For continuous or long-term operation: The total process weight for the entire period of operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof. For batch operations: The total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operaton during such period.

(8.0) PART 6

AIR POLLUTION EPISODES

R 336.71 - Definition of Air Pollution Episode

RULE 71

"Air pollution episode" means a condition which could lead to or result in the buildup of atmospheric contaminants in the state, or any part thereof, which adversely affect the health of the people. It includes and air pollution forecast, alert, warning and emergency.

R 336.72 - Definition of Air Pollution Forecast

RULE 72

"Air pollution forecast" means a national weather service advisory or local equivalent that an atmospheric stagnation condition exists.

R 336.73 - Definition of Air Pollution Alert

RULE 73

"Air pollution alert" means a concentration of contaminants at which control actions begin. An alert will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate - average level is equal to or exceeds 3.0 COHs for a consecutive 24 hour period.

(b) Sulfur dioxide - average level is equal to or exceeds 0.3 parts per million (ppm) (800 $\mu g/M^3$) for a consecutive 24 hour period.

(c) Product (suspended particulate and sulfur dioxide) - average level is equal to or exceeds 0.2 COHs ppm for a consecutive 24 hour period.

(d) Carbon monoxide - average level is equal to or exceeds 15.0 ppm (17 mg/M^3) for a consecutive 8 hour period.

(e) Nitrogen dioxide - average level is equal to or exceeds 0.15 ppm (282 $\mu g/M$) for a consecutive 24 hour period or 0.6 ppm (1130 $\mu g/M^3$) for any hour.

(f) Oxidant measured as(ozone (O_3))- average level is equal to or exceeds 0.2 ppm (400$\mu g/M^3$) for any hour.

(g) Meteorological conditions are such that the contaminant levels can be expected to remain at the levels described in subdivisions (a) to (f) or increase for 12 hours unless control actions are taken.

R 336.74 - Definition of Air Pollution Warning

RULE 74

"Air pollution warning" means a level which indicates that air quality is continuing to deteriorate and that additional control actions are necessary. An air pollution warning will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate - average level is equal to or exceeds 5.0 COHs for a consecutive 24 hour period.

(b) Sulfur dioxide - average level is equal to or exceeds 0.6 ppm (1600 $\mu g/M^3$) for a consecutive 24 hour period.

(c) Product (suspended particulate and sulfur dioxide) - average level is equal to or exceeds 0.8 COHs ppm for a consecutive 24 hour period.

(d) Carbon monoxide - average level is equal to or exceeds 30.0 ppm (34 mg/M^3) for a consecutive 8 hour period.

(e) Nitrogen dioxide - average level is equal to or exceeds 0.8 ppm (565 µg/M^3) for a consecutive 24 hour period or 1.2 ppm (2260 g/M^3) for any hour.

(f) Oxidant [measured as ozone (O_3)] - average level is equal to or exceeds 0.4 ppm (800 g/M^3) for any hour.

(g) Meteorological conditions are such that the contaminant levels can be expected to remain at the levels described in subdivisions (a) to (f) or increase for 12 more hours unless control actions are taken.

R 336.75 - Definition of Air Pollution Emergency.

RULE 75

"Air pollution emergency" means that air quality is continuing to deteriorate to a critical level and that the most stringent control actions are necessary. An emergency will be declared when any 1 or combination of the following levels is reached at any monitoring site in the commission approved air quality monitoring network:

(a) Suspended particulate - average level is equal to or exceeds 7.0 COHs for a consecutive 24 hour period.

(b) Sulfur dioxide - average level is equal to or exceeds 0.8 ppm (2100 µg/M^3) for a consecutive 24 hour period.

(c) Product (suspended particulate and sulfur dioxide) - average level is equal to or exceeds 1.2 COHs ppm for a consecutive 24 hour period.

(d) Carbon monoxide - average level is equal to or exceeds 40 ppm (46 mg/M^3) for a consecutive 8 hour period.

(e) Nitrogen dioxide - average level is equal to or exceeds 0.4 ppm (750 µg/M^3) for a consecutive 24 hour period or 1.6 ppm (3000 µg/M^3) for any hour.

(f) Oxidant [measured as ozone (O_3)] - average level is equal to or exceeds 0.6 ppm (1200 µg/M^3) for any hour.

R 336.77 - Declaration of Air Pollution Episodes

RULE 76

(1) When in the opinion of the air pollution control division, department of public health, the conditions described in rule 72 have occurred, an authorized representative of the commission may declare an air pollution forecast.

(2) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in rule 73 have occurred, the chairman or his representative may declare an air pollution alert.

(3) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in rule 74 have occured, the chairman or his representative may declare an air pollution warning.

(4) When in the opinion of the chairman of the commission or his authorized representative, the conditions described in rule 75 have occurred, the chairman or his representative shall request the governor to declare an air pollution emergency.

R 336.78 - Episode Emission Abatement Programs

RULE 78

(1) A person responsible for operation of a source which emits 0.25 or more tons per day of air contaminants for which ambient air quality standards have been adopted shall prepare an episode emission abatement program, consistent with good operational practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an air pollution alert, warning or emergency. An episode emission abatement program shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objective of reducing levels of air contaminants below the alert level.

(2) A program required by subrule (1) shall be in writing and show the source of air contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each state of an air pollution episode, and such other information as the commission shall deem pertinent.

(3) A program required by subrule (1) shall be submitted to the commission upon request. It shall be subject to review and approval by the commission after consultation with appropriate local air pollution control agencies. If, in the opinion of the commission, the program does not effectively carry out the objective as set forth in subrule (1), the commission may disapprove the program, state its reasons for disapproval, and order the preparation of an amended program within the time period specified in the order. A person aggrieved by the order requiring the preparation of an amended program is entitled to a hearing in accordance with section 13 of Act

No. 348 of the Public Acts of 1965, being section 336.23 of the Compiled Laws of 1948. If within the time period specified in the order, an amended program is submitted which in the opinion of the commission fails to meet the objective, the commission in its own initiative may amend the program to cause it to meet the objective. The amended program will thereafter be the episode emission abatement program which the person responsible will put into effect when so required by rule 79.

(4) During a condition of air pollution forecast, alert, warning or emergency, episode emission abatement programs as required by subrule (1) shall be made available at the source location to any person authorized to enforce the provisions of the commission's emergency procedure.

R 336.79 - Episode Orders

RULE 79

(1) When an air pollution episode has been declared, the commission or its authorized representative may order a source of air pollution to put into effect the applicable emission abatement program.

(2) When an air pollution episode has been declared for a region or portion thereof, a person in the affected area who is responsible for a source of any air contaminants for which air quality standards have been adopted shall immediately notify the air pollution control division of the department of public health if there is any malfunction in any air pollution control device for which he is responsible. The notice shall include the type of air contaminants being released, the approximate normal operating conditions, and the approximate time required to make complete repairs to the control device. The commission after reviewing the information, may issue a new or an amended episode emission abatement program which shall be immediately instituted by the responsible person.

(3) When an air pollution alert, warning or emergency has been declared in a region or portion thereof, the commission or its authorized representative shall notify the persons responsible for the sources of air contaminants who shall immediately institute episode emission abatement programs required by rule 78.

(4) When an air pollution alert, warning or emergency is declared for any air contaminants for which air quality standards have been adopted, the commission or its authorized representative may issue the following orders for the affected region or portion thereof:

(a) Open burning by persons of tree waste, vegetation, refuse or debris in any form, shall be prohibited.

(b) The use of incinerators for the disposal of solid or liquid waste shall be prohibited.

(c) Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 p.m. unless an alternate schedule, acceptable to the commission has been submitted.

(d) The use of motor vehicles shall be discouraged to the maximum extent possible.

(5) When an air pollution emergency is declared, the commission may request the governor to issue the following orders:

(a) Requiring manufacturing establishments not included in rule 71 to institute actions required by the commission or its authorized personnel as will result in the maximum reduction of air contaminants for which air quality standards have been adopted.

(b) Prohibiting use of motor vehicles except in personal and public emergencies.

CITY OF GRAND RAPIDS

AIR POLLUTION CONTROL REGULATIONS

ORDINANCE NO. 72-34

AN ORDINANCE TO AMEND SECTIONS 9.35 AND 9.36 OF ARTICLE 4, CHAPTER 151 TITLE IX OF THE CODE OF THE CITY OF GRAND RAPIDS TO DESCRIBE CERTAIN DUTIES AS TO INSPECTIONS AND RECORD KEEPING RELATIVE TO AIR POLLUTION.

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1

That Section 9.35 of Article of Chapter 151 Title IX of the Code of the City of Grand Rapids be amended to read as follows:

(2.0) 9.35 Violations

(51.13) (1) Open Burning - No person shall cause or permit an open fire or authorize any such open fire to be kindled or maintained except in accordance with Section 29 of the Code of the City of Grand Rapids.

(50.1) (2) Emission of Particulate Matter - No person shall cause or allow the emission of particulate matter from any source in excess of the emission schedule of The Rules.

(3) No person shall violate any of the requirements of this Article 4 or any of the lawful orders of the Director made in pursuance thereof.

Section 2

That Section 9.36 of Article 4 of Charter 151 of Title IX of the Code of the City of Grand Rapids be amended to read as follows:

(2.0) 9.36 Duties and Powers of the Director

(1) The Director shall enforce all provisions of the Article 4 of Chapter 151 of Title IX of the Code of the City of Grand Rapids and shall act on any question relative to compliance or enforcement of any of the requirements provided in this Article 4 relating to any air contaminant, air pollution, chimney, combustion equipment, flyash, industrial dust, open burning, particulate matter, process equipment, refuse burning salvage operation or smoke incinerator.

(2) The Director shall have the authority to enter at any reasonable hour upon any premises, occupancy, building or structure which contains any of the uses or conditions specified as in paragraph (1) hereof and shall inspect the same as to compliance with the requirements of this Article 4 and shall issue all necessary notices or orders to remove non-compliance, illegal or unsafe conditions or operations.

(3) The Director shall make all required inspections or may accept reports of inspection by authoritative and recognized services or individuals and all reports of such inspections shall be in writing and certified by a responsible officer or he may engage such expert opinion as he may deem necessary to report of an unusual technical issue that may arise.

(4) He shall keep official records of applications received, permits and certificates issued, fees collected, repairs of inspections, notices and orders issued. File copies of all paper in connection with inspection reports shall be retained in his official records so long as the buildings, structure or operation shall remain in existence.

MICHIGAN

VOLUME 1B

APPENDIX

MICHIGAN AIR POLLUTION IMPLEMENTATION PLAN

JANUARY 1972

WAYNE COUNTY

AIR POLLUTION CONTROL REGULATIONS

(2.0)

ARTICLE I

GENERAL PROVISIONS

Section 1.1

Short Title - This regulation shall be known and cited as the Wayne County Air Pollution Control Regulation

Section 1.2

This regulation is designed to control air pollution by providing for the establishment of the office and prescribing the duties of the director of air pollution control, and empowering investigation and abatement by the director of violations of this regulation; for the establishment and enforcement of rules and regulations; for an air pollution appeals board; for permits for the installation, construction, addition to, alteration, and use of process, fuel-burning, refuse-burning, and control equipment and for fees for the same; for inspections and tests for process, fuel-burning, refuse-burning, and control equipment and for the issuance of certificates of operation and for fees therefor, establishing limitations upon the emission of air contaminants, declaring emissions which do not meet such limitations to be unlawful, prohibiting certain acts causing air pollution, providing for fines and penalties for violation of the provisions of this regulation; and for just and adequate means by which the provisions of this regulation may be executed.

(1.0) Section 1.3

Definition of Terms - The following words and phrases when used in this regulation shall for the purpose of this regulation have the meanings respectively ascribed to them in this article, unless a different meaning is clearly indicated.

Air Contaminant - Any gaseous, liquid, or solid matter, which when present in the outdoor atmosphere contributes to a condition of air pollution, including, but not limited to, dust, soot, mist, smoke, fumes, fly ash, cinders, gases, vapors, aerosols, and odors.

Air Pollution - The presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in such quantities and of such duration and characteristics which are or may tend to be injurious to human, plant, or animal life, or property, or which interfere with the comfortable enjoyment of life or property or the conduct of business.

Board - The Wayne County Board of Health.

Certificate of Operation - A certificate issued by the director authorizing the use of any process, fuel-burning, refuse-burning, or control equipment for the period indicated after it has been found that it can be operated in compliance with this regulation.

Control Equipment - Any equipment which has the function of controlling a process, fuel-burning, or refuse-burning equipment and thus reduce the creation of, or the emission of air contaminants to the atmosphere, or both.

County - County of Wayne, Michigan.

Department - The Wayne County Department of Health.

Director - The Director of the Wayne County Department of Health or his duly authorized representatives.

Fuel-burning Equipment - Equipment, device, or contrivance and all appurtenances thereto, including ducts, breechings, control equipment, fuel-feeding equipment, ash-removal equipment, combustion controls, stacks, chimneys, etc., used principally but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substance to the products of combustion. Such equipment typically includes that used for heating water to boiling; radiant steam, or super-heating steam; heating air as in a warm air furnace; furnishing process heat that is conducted through process vessel walls; and furnishing process heat indirectly through its transfer by fluids.

Installation Permit - A permit issued by the director authorizing the construction, installation or alteration of any process, fuel-burning, refuse-burning, or control equipment in accordance with plans and specifications approved by the director.

Open burning - Any combustion process from which the products of combustion are emitted directly into the outdoor atmosphere without passing through a stack.

Particulate Matter - Material other than uncombined water which is or has been suspended in air or other gases and is a liquid or solid at standard conditions of temperature and pressure.

Person - Any individual natural person, trustee, court appointed representative, syndicate, association, partnership, firm, club, company, corporation, business trust, institution, agency, government corporation, municipal corporation, city, county, municipality, district or other political subdivision, department, bureau, agency or instru-

mentality of Federal, state, or local government, or other entity recognized by law as the subject of rights and duties. The masculine, feminine, singlular, or plural is included in any circumstances.

Process Equipment - Any equipment, device or contrivance for changing any materials whatever or for storage or handling of any materials, and all appurtenances thereto, including ducts, stacks, etc., the use of which may cause any discharge of an air contaminant into the outdoor atmosphere but not including that equipment specifically defined as fuel-burning equipment or refuse-burning equipment in this regulation.

Refuse-burning Equipment - Any equipment, device, or contrivance used for the destruction of garbage, rubbish, and/or other wastes by burning, and all appurtenances thereto.

Salvage Operations - Any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

Seal for Sealing Equipment or Premises - A device installed by the director so as to prevent use of the process, fuel-burning, refuse-burning, or control equipment or premises causing the violation or from which violations of this regulation originate.

Smoke - Small gas and air-borne particles consisting essentially of carbonaceous material in sufficient number to be observable.

Standard Conditions - A gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

Stack - Stack, chimney, flue, conduit, or opening arranged for the emission of solids, liquids, gases or aerosols into the outdoor atmosphere.

Division - Wayne County Department of Health, Air Pollution Control Division.

Hydrogen Sulfide - (H_2S): A colorless gas at standard conditions which has the molecular formula H_2S.

Opacity - A state which renders material partially or wholly impervious to rays of light and causes obstruction of an observer's view.

Process Weight - "Process Weight" means the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion.

Process Weight Rate - "Process Weight Rate" means a rate established as follows:

(a) For continuous or long-run steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

(b) For cyclical or batch source operations, the total process weight for a period that covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such a period.

(c) When the nature of any process or operation or the design of any equipment is such as to permit more than one (1) interpretation of this definition the interpretation that results in the minimum value for allowable emission applies.

Public Health Director - Director or acting director of the department.

Ringelmann Chart - The chart published and described in the bureau of mines, U. S. Department of Interior, information circular 8333, which illustrates graduated shades of gray to black by which the density of smoke may be scaled, or any chart, recorder, indicator or device for the measurement of gray to black smoke density which is approved by the board as the equivalent of the Ringelmann scale.

Source Operation - "Source Operation" means the last operation preceding the emission of an air contaminant, which operation (a) results in the separation of the air contaminant from the process material or in the conversion of the process materials into air contaminants, as in the case of combustion fuel; and (b) is not an air pollution abatement operation.

Sulfur Dioxide (SO_2): A colorless gas at standard conditions which has the molecular formula SO_2.

Sulfur Trioxide (SO_3): A compound which has the molecular formula SO_3.

Sulfuric Acid ($H_2 SO_4$): A compound which has the molecular formula H_2SO_4.

(2.0) ARTICLE II

ADMINISTRATIVE ORGANIZATION

Section 2.1

Enforcement Agency - The Wayne County Department of Health is charged with the duty of investigating, preventing, and abating causes of air pollution and enforcing the provisions of this regulation. The responsibility for the enforcement of this regulation shall rest with the Director of the Wayne County Department of Health and through his duly authorized agents.

Section 2.2

Powers and Duties of the Director - The director shall have the power and the duty to:

(a) Supervise the implementation of this regulation.

(b) Institute complaints against all persons violating any provision of this regulation and institute necessary legal proceedings to prosecute violations of this regulation and compel the prevention and abatement of air pollution or nuisances arising therefrom.

(c) Examine and approve or disapprove the plans for fuel and refuse-burning equipment, process equipment, and control equipment to be installed, constructed, reconstructed, added to, or altered, to assure that they are in accordance with the requirements of this regulation.

(d) Make inspections and tests of existing and newly installed, constructed, reconstructed, or altered fuel or refuse-burning equipment, process equipment, and control equipment to determine if there is compliance with the provisions of this regulation.

(e) Investigate complaints of violations of this regulation and make inspections and observations of air pollution conditions. Record such investigations, complaints, inspections, and observations.

(f) Approve or reject applications for permits and administer the issuance of certificates of operation, notices or other matters required under the provisions of this regulation.

(g) Prepare and place before the Board of Health for its consideration proposals for additions or revisions to this regulation, or any other regulation pertaining to air pollution abatement.

(h) Encourage voluntary cooperation by persons or affected groups in air pollution control.

(i) Collect and disseminate information on air pollution control.

(j) Work with planning and zoning agencies for the purpose of coordinating activities under provisions of this regulation and foster the best possible management of the air resources of the County.

(k) Cooperate and work with Federal, interstate, state, county, district, municipal, and other agencies concerned with air pollution with regard to aerometric studies, abatement programs, public complaints and other matter to the end that the air resources of Wayne County shall be best conserved and improved.

(l) Subject to the laws of the State of Michigan and Wayne County, and with the approval of the Wayne County Board of Supervisors, accept, receive, and give receipts for monies, for and in behalf of the County, given by the Federal or State governments under any Federal or state law to the County for air pollution control activities, surveys, investigations, research, or programs.

(m) Conduct investigations, studies, and other required work which will lead ultimately to the development of gaseous emission standards on such pollution generating activities as motor vehicles, heat and power generation, incineration, chemical processes, and any other gaseous pollution sources.

(n) Do any and all acts which may be necessary for the successful prosecution of the purposes of this regulation and such other acts as may be specifically enumerated herein as his duties.

Section 2.2A

Emergency Powers Of The Public Health Director - Notwithstanding any other provisions of this regulation, the public health director, upon receipt of evidence that a pollution source or combination of sources (including moving sources) is presenting an imminent and substantial endangerment to the health of persons, may order complete shutdown, curtailment, or modification of any operation or activity causing or contributing to the alleged pollution and may bring suit on behalf of the department in the Wayne County circuit court to immediately restrain any person who fails to follow his orders.

Section 2.3

Appeals Board -

(a) Power and Duties - An Appeals Board shall be selected by the Board of Health. The Appeals Board shall hear and decide appeals taken from any decision, ruling, or order of the director in accordance with the procedures prescribed in Article IX Variances and in Article X Appeals.

(b) Organization - The Appeals Board shall consist of nine (9) members. One (1) member shall be a representative from the medical profession actively engaged in the practice of medicine, preferable with a background in public health. Two (2) members shall be representatives from the engineering profession and shall be experienced in the control of air pollution. One (1) of the engineering members shall be a representative from industries or businesses directly affected and subject to the provisions of this regulation. One (1) member shall be a representative from the legal profession actively engaged in the private practice of law. Two (2) members shall be representatives of business or industry, one (1) of which shall be from the industries or businesses directly affected and subject to the provisions of this reguation. Two (2) members shall be citizens representative of the interests and point of view of the general public, one of whom shall be a woman prominent in community affairs. One (1) member shall be a representative from organized labor. The final composition of the Board shall include no more than two (2) members from the industries or businesses directly affected and subject to the provisions of this regulation, and no more than two (2) members from governmental agencies.

In order that the terms of office of all members of the Board shall not expire at the same time, the intitial appointments to the Board shall be as follows:

Three (3) members shall be appointed for a term of one (1) year. Two (2) members shall be appointed for a term of two (2) years, two (2) members shall be appointed for a term of three (3) years, and two (2) members shall be appointed for a term of four (4) years. Thereafter, all appointments shall be made for a term of four (4) years. Appointments to fill any vacancy on the Appeals Board shall be for the remainder of the unexpired term of office.

The Board of Health shall have the power to remove any member of the Appeals Board from office with cause upon a 3/5 vote of the Board of Health. Any member who fails to attend three (3) successive scheduled meetings without cause shall immediately forfeit his office and the Board of Health shall promptly fill such vacancy.

The members of the Appeals Board shall elect a chairman and such other officers as they deem necessary or desirable, all of whom shall have voting privilieges. Six (6) members of the Appeals Board shall constitute a quorum necessary to hold meetings and take any action.

Any final order or determination or other final action by the Appeals Board shall be approved by not less than five (5) members of the Appeals Board who shall have been present at the meeting at which such order was adopted.

Members shall serve without compensation, but shall be reimbursed for necessary expenses incurred in the performance of their official duties, upon the approval of the Board of Health within budget limitations. The Chairman may call meetings of the Appeals Board when there is business before the Board and meetings may be called by written notice signed by five (5) members of the Appeals Board. Written minutes shall be kept of all meetings of the Appeals Board, and shall be public. All meetings shall be public.

ARTICLE III
(2.0) STANDARDS AND RECOMMENDED PRACTICES

Section 3.1

Adopted Standards or Recommended Practices - Where reference is made in this regulation to the standards or recommended practices of national technical societies, associations, or other organizations, such information shall form and be considered an integral part of the regulation in the same manner and extent as if fully reproduced herein, provided such standards are fully identified. Not less than two copies of such standards or recommended practices of technical societies, associations, or other organizations shall be kept on file at all times in the office of the director and shall be available for consultation by the public.

ARTICLE IV
(3.0) INSTALLATION PERMIT AND CERTIFICATE OF OPERATION

Section 4.1

Application Required - Except as herein provided, no person shall construct, install, reconstruct, or alter any process, fuel-burning, refuse-burning, or control equipment pertaining thereto, which may be a source of air contaminant, for use within the County until an application, including not less than two sets of plans of specifications, or both, of the process, fuel-burning, refuse-burning, or control equipment and structures or buildings used in connection therewith, has been filed by the person or his agent in the office of, and has been approved by, the director and until an installation permit has been issued by the director for such construction, installation, or alteration. Upon written request and submission of adequate supplementary data, the director may amend the original installation permit application.

Section 4.2

Information Required - The director may require the submission of such information, evidence, or documentation to satisfy him that the equipment for which an installation permit application has been applied, can be operated within the emission standards and prohibitions of Article VI. Any information relating to secret processes, methods of manufacture, products, or production ascertained or discovered by the Director or the Appeals Board during the conduct of their work shall not be disclosed in whole or in part and shall be held confidential.

Section 4.3

Work Begun - Where work is begun in violation of installation permit requirements, the director may grant such permit, conditional upon removal of all work which is not in accordance with this regulation or any rules and regulations promulgated under this regulation.

Section 4.4

Action on Permits - An application shall be approved or rejected within thirty (30) days after it is filed in the office of the director. The director shall notify the person applying for the permit of the approval or rejection of the application in writing. Upon the approval of the application and upon the payment of the prescribed fees, the director shall issue a permit for the construction, installation or alteration of such process, fuel-burning, refuse-burning, or control equipment. The director may issue conditional permits.

Section 4.5

Permit Violations - Violation of the installation permit shall be sufficient cause for the director to stop all work, and he is hereby authorized to seal the installation. No further work shall be done until the director is assured that the condition in question will be corrected and that the work will proceed in accordance with the installation permit.

Section 4.6

Time Limit on Permits - The director may cancel a permit if the installation or alteration is not begun within one year from the date of issuance of the permit or if the work involved in the installation or alteration is suspended for one year or more from the date of issuance of the permit.

Section 4.7

Exemptions from the Permit System - The provisions of this permit system shall not apply to:

(a) Maintenance structural changes or minor repair which does not change the capacity of such process, fuel-burning, refuse-burning, or control equipment and which does not involve any change in the quality, anture, or quantity of emission of air contaminants therefrom.

(b) Equipment utilized for all modes of transportation.

(c) Fuel burning and cooking equipment utilized in connection with any structures designed and used exclusively for not more than two families.

(d) Internal combustion engines.

(e) Laboratory equipment used exclusively for chemical or physical analysis or experimentation.

(f) Equipment for inspection of metal products.

(g) Portable brazing, soldering, or welding equipment.

(h) All gas fuel and No. 1 and No. 2 fuel-oil-burning equipment used for space heating, service water heating, and electric power generation.

(i) The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.
2. Cold storage refrigeration equipment.
3. Vacuum pumps in laboratory or pilot plant operations.
4. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.
5. Equipment used for partable steam cleaning.
6. Grain, metal, or mineral extrusion presses.
7. Porcelain enameling furnaces or procelain enameling drying ovens.

8. Unheated solvent dispension containers or unheated solvent rinsing containers of 60 gallons capacity or less.

9. Equipment used for hydraulic or hydrostatic testing.

10. Blacksmith forges.

(j) The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Blast cleaning equipment using a suspension of abrasive in water.

2. Bakery ovens where the products are edible and intended for human consumption.

3. Kilns for firing ceramic ware, heated exclusively by natural gas or liquefied petroleum gas, any combinations thereof or heated electrically.

4. Confection cookers where the products are edible and intended for human consumption.

5. Drop hammers or hydraulic presses for forging or metal working.

6. Die casting machines.

7. Atmosphere generators used in connection with metal heat treating processes.

8. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

9. Equipment used exclusively for the sintering of glass or metals, but not excepting equipment used for sintering metal bearing ores, metal scale, clay, fly ash, or metal compounds.

10. Equipment for carving, cutting, routing, turning, drilling, machining, sawing, surface grinding, sanding, buffing or polishing of ceramic artwork, leather, metals, plastics or rubber.

11. Equipment for drilling, carving, cutting, routing, turning, sawing, planing, spindle sanding or disc sanding of wood or wood products.

12. Equipment for surface preparation of metals by use of

aqueous solutions, except for acid solutions.

13. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.

14. Laundry dryers, extractors or tumblers for fabrics cleaned with only water solutions or bleach or detergents.

15. Containers, reservoirs, or tanks used exclusively for electrolytic plating with, or electrolytic polishing of, or electrolytic stripping of the following metals: Brass, Bronze, Cadmium, Copper, Iron, Lead, Nickel, Tin, Zinc, Precious Metals.

(k) Natural draft hoods or natural draft ventilators.

(l) Containers, reservoirs or tanks used exclusively for:

1. Dipping operations for coating objects with oils, waxes, or greases.

2. Dipping operations for applying coating of natural or synthetic resins which contain no organic solvents.

3. Storage of butane, propane or liquefied petroleum gas.

4. Storage of lubricating oils.

(m) Natural gas-fired or liquefied petroleum gas-fired or electrically-heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(n) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted, nor any fluxing conducted utilizing free chlorine, chloride and fluoride derivatives and ammonium compounds, and from which only the following metals are poured or in which only the following metals are held in a molten state:

1. Aluminum or any alloy containing over 50 percent aluminum.

2. Magnesium or any alloy containing over 50 percent magnesium.

3. Lead or any alloy containing over 50 percent lead.

4. Tin or any alloy containing over 50 percent tin.

5. Zinc or any alloy containing over 50 percent zinc.

6. Copper.

(o) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

Section 4.8

Operation of Processes and Equipment - No person shall operate or cause to be operated any new or altered process, fuel-burning, refuse-burning, or control equipment or any equipment pertaining thereto for which an installation permit was required or was issued until an inspection has been made by the director. The person responsible for the installation construction, or alteration of any process, fuel-burning, refuse-burning, or control equipment for which an installation permit is required, shall notify the director when the work is completed and ready for final inspection, which inspection shall be made promptly after such notification.

No equipment shall be operated for any other purpose or in any other manner than that for which the installation permit was approved and for which a certificate of operation has been issued unless otherwise authorized in writing by the department. Such equipment shall also be maintained in a state of good repair.

Section 4.9

Certificate of Operation - After the installation permit has been issued and it is demonstrated to the satisfaction of the director that the process, fuel-burning, refuse-burning, or control equipment can be operated in compliance with this regulation, an initial certificate of operation shall be issued by the director. Emission tests may be required by the director before the issuing of an initial certificate of operation as set forth in Section 8.1, if he has reason to believe that the emissions may exceed the standards established by this regulation. Said certificate of operation shall be kept posted on or near the installation for which it was issued. The certificate of operation shall properly identify the equipment to which it pertains and shall specify the class of fuel, type of refuse, type of raw materials used, if any, for which the equipment and appurtenances have been designed or which have been successfully used in the operating test. The initial certificate of operation shall remain in force until terminated by any one or more of the following actions:

(a) Implementation and instituion of Section 4.10.

(b) Execution of Section 11.1.

Failure to operate successfully under test within the limitations and requirements of this regulation shall constitute sufficient grounds for ordering changes in the process, fuel-burning, refuse-burning, or control equipment or appurtenances before an initial certificate of operation is issued. After ten (10) days written notice, the director is hereby authorized to seal any equipment for which a certificate of operation is required and has not been issued, except an immediate sealing of equipment is authorized if there is a health or safety hazard.

Section 4.10

The director may require the periodic renewal of certificates of operation on those installations for which an installation permit was obtained, and may require the issuance or renewal of certificates of operation on similar equipment existing prior to the adoption of this regulation and collect appropriate fees thereof for such certificates. Such certificates of operation shall not be required more often than once per year, and may be terminated for the same reasons and in the same manner as listed in Section 4.9.

Section 4.11

Prosecution of Regulation Violations - The issuance by the director of any installation permit or certificate of operation shall not be held to exempt the person to whom the permit or certificates was issued or who is in possession of the same, from prosecution for the emission of air contaminants prohibited by this regulation.

Section 4.12

This article shall be come effective six months after the adoption of this regulation.

(2.0)

ARTICLE V

SCHEDULE OF FEES

Section 5.1

Fees for inspections, tests, examinations and the issuance of all licenses, installation permits and certificates of operation required by this regulation and for hearings before the Appeals Board shall be paid to the department, who shall be paid to the department, who shall give receipt therefor. The amount of such fees shall be established by the Board and shall be based upon a reasonable approximation of the cost of the supervision, inspections and the conducting of tests or examinations required by this regulation and necessary for the enforcement thereof, but in no case shall the installation permit fee or the hearing fee be more than one hundred dollars ($100), nor the fee for the certificate of operation, or licenses be more than seventy-five dollars ($75).

(50.0)

ARTICLE VI

EMISSION LIMITATIONS AND PROHIBITIONS
STANDARDS OF MEASUREMENT

(50.1.2) Section 6.1

Emission of Visible Air Contaminants - No person shall cause or permit a discharge into the atmosphere from any single source of emission whatsoever any visible air contaminant which is of a shade equal to or darker than number 1.5 on the Ringelmann Chart or of a density equal to or greater than 30% opacity.

(50.1.2) Section 6.1A

Grading Visible Emissions - Observations shall be made by observers trained to evaluate visible emissions based upon the Ringelmann Chart and/or opacity measurements.

(2.0) Section 6.1B

Exceptions -

(1) Emissions equal to 1.5 Ringelmann or 30% opacity for three minutes in any 30 minute period.

(2) Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements.

(3) Any open fire ignited for the purpose of training firemen or for research in fire prevention, provided the division has issued a permit therefor.

(50.1) Section 6.2

Emission of Particulate Matter from any Source - It shall be unlawful for any person to cause, suffer, or allow the emission of particulate matter from any source whatsoever in excess of the emission schedule listed below:

PARTICULATE MATTER EMISSION SCHEDULE

Source of Emission		Maximum Allowable Emission pounds of particulate per thousand pounds of exhaust gas (a), (g)	
Fuel Burning	Capacity Rating 1000# of steam/hr.	Design (b)	Operating (b)
Pulverized Fuel Fired	0 to 300	0.40 to 0.20(c)	0.50 to 0.30(c)
	300 and over	0.20	0.30
All Other Modes of Fuel Firing	0 to 100		0.65
	100 to 300		0.65 to 0.45(c)
	300 to 800		0.45 to 0.30(c)
	800 and over		0.30
Ferrous Cupolas			
Production			
Jobbing		0.10	0.25
			0.40
Steel Manufacturing			
Open Hearth furnaces		0.10	0.20
Basic Oxygen Furnaces		0.10	0.20
Electric Furnaces (d)		0.10	0.20
Sintering Plants		0.15	0.20
Blast Furnaces			0.20
Blast Furnaces (excess gas bled to atmosphere)			0.50
Heating and Reheating Furnaces			0.30
Incinerators (e)			
Use	Rating #/hr.		
Residential Apartments	0 to 200		0.65
Residential Apartments	200 and over		0.30

Commercial & Industrial	0 to 400		0.65
Commercial & Industrial	400 and over		0.30
Municipal			0.30
Lime, Kilns, Stack Gases			
Rotary Kilns		0.20(and or 99% by weight collector efficiency whichever is more restrictive (h)	0.30(and/or 98.5% by weight collector efficiency whichever is more restrictive (h)
Other Kilns		0.20 (h)	0.30 (h)
Asphaltic Concrete Batching Plants			0.20
Sources Not Specifically Named (f)			
Combustion Processes	lbs. particulate per 1000 lbs. of exhaust gas @ 150% total air		0.65
Non-combustion Processes	lbs. particulate per 1000 lbs. of exhaust gas		0.65

(a) Fuel-burning and incinerator emission limitations shall be corrected to 150 per cent total air.

(b) The operating limitation allows for gradual deterioration of equipment performance during extended periods of continuous operation where it is impractical to maintain design conditions for these extended periods.

(c) Emission limitations for specific ratings are determined by linear interpolation between the ranges shown.

(d) These emission limitations do not apply to domestic incinerators (defined as having not over five cubic feet of storage capacity).

(e) When wet collectors or scrubbers are utilized, that portion of water vapor in the exhaust gases which was added for collector or scrubber requirements shall be deleted from the total exhaust gases in calculating the particulate emission rate.

(f) This emission rate shall be measured at actual stack exhaust gas conditions with no correction for excess air or moisture content, but in no case shall avoid intentions of Section 6.7.

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE [a]

PROCESS WEIGHT RATE		RATE OF EMISSION	PROCESS WEIGHT RATE		RATE OF EMISSION
LB/HR	TONS/HR	LB/HR	LB/HR	TONS/HR	LB/HR
100	0.05	0.55	16,000	8.00	16.5
200	0.10	0.88	18,000	9.00	17.9
400	0.20	1.40	20,000	10.	19.2
600	0.30	1.83	30,000	15.	25.2
800	0.40	2.22	40,000	20.	30.5
1,000	0.50	2.58	50,000	25.	35.4
1,500	0.75	3.38	60,000	30.	40.0
2,000	1.00	4.10	70,000	35.	41.3
2,500	1.25	4.76	80,000	40.	42.5
3,000	1.50	5.38	90,000	45.	43.6
3,500	1.75	5.95	100,000	50.	44.6
4,000	2.00	6.52	120,000	60.	46.3
5,000	2.50	7.58	140,000	70.	47.8
6,000	3.00	8.56	160,000	80.	49.0
7,000	3.50	9.49	200,000	100.	51.2
8,000	4.00	10.4	1,000,000	500.	69.0
9,000	4.50	11.2	2,000,000	1,000.	77.6
10,000	5.00	12.0	6,000,000	3,000.	92.7
12,000	6.00	13.6			

[a] Interpolation of the data in this table for process weight rates up to 60,000 lb/hr shall be accomplished by use of the equation $E = 4.10\ P^{0.67}$ and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lb/hr shall be accomplished by use of the equation $E = 55.0\ P^{0.11} - 40$, where E = rate of emission in lb/hr and P = process weight in tons/hr.

Section 6.2A

Design and Operating Emission Limitations - This section clarifies the intent of Section 6.2 for those cases where both design and operating emission limitations are stipulated for a given operation.

The design emission standard shall be met when the system is field operated as close to design conditions as is reasonably feasible. In addition, before a permit is issued for the installation of a collector, sufficient data will be required to be submitted to the Department in the form of tests, drawings, calculations, etc., to prove that when the collector is operated at design conditions the particulate loading will not exceed the design emission limitation.

The operating emission limitation is less stringent than the design emission limitation and recognizes that field operating conditions do not always meet design conditions and that this could cause a temporary degradation in over-all equipment performance. The more lenient operating emission standard shall not be used as a basis for reducing design collector efficiency to effectuate savings in operating cost.

Section 6.2B

Differentiation Between Jobbing and Production Foundries - Cupolas used in a jobbing foundry are the same as those used in a production foundry and will vary in size only according to the quantity of iron melted per hour.

However, the cupolas in a jobbing foundry will be run intermittently for just long enough at one time to pour the molds that are ready on the foundry floor, job by job. This might be for a two to four hour period per day for any number of days per week.

Whereas the production foundry cupolas will melt continuously to pour a succession of molds that are constantly being prepared to receive this continuous flow of iron. This could become eight hours, sixteen hours, or twenty-four hours per day for any number of days per week.

Section 6.2 C

Collector Requirements for Production Cupolas - The intent of the design emission limitation of 0.1#/1000# of gas applying to production ferrous foundry cupolas is to require the installation of high efficiency collectors capable of collecting the fine metallic fume typical of emissions from this source. Presently available equipment suitable for this application is a well-designed baghouse or a high pressure drop Venturi scrubber of equivalent efficiency. Other types of collectors will be considered on their individual merit and upon submission of adequate proof that they are capable of achieving equal efficiencies.

The operating limit of 0.25#/1000# of gas is intended to provide only for short time unavoidable variations from design conditions and for gradual deterioration of equipment during normal continuous operation. Deliberate or intentional operation of equipment at less than its intended design efficiency is considered to be a violation of this Regulation.

Section 6.2D

Collector Requirements for Jobbing Shop Cupolas - This Section is for the purpose of clarifying the intent of the emission limitation of 0.4#/1000# of gas applying to jobbing shop cupolas. High efficiency cyclone type collectors or other types of collectors not less efficient are considered acceptable and capable of meeting this requirement.

Should the operation of this equipment, when properly applied, operated and maintained and served by an adequate stack, meet all Regulation requirements except the applicable emission limitation, this limitation is to be re-evaluated.

Section 6.2E

Collector Requirement for Single Retort Stoker-Fired Boilers - New forced draft solid fuel fired boilers of less than 400 H.P. nominal rating and existing boilers in this category when stack or breeching is replaced shall be provided with a low draft loss collector or drop out box approved by the director.

Explanation - While the proposed emission limitations of Section 6.2 would quite possibly make this requirement necessary it is felt that the above statement would simplify permit issuance and reduce the large amount of stack sampling that could be involved if emission limitations were the only requirement. It is intended to apply primarily to new single retort underfeed stoker fired plants and existing installations where practical.

Section 6.2F

Lime Kiln Stack Gases - The intent of design emission standard applying to lime kiln stack gases is to require the installation of high efficiency collectors capable of collecting the fine particulate typical of emissions from this source. Presently available equipment for this application is a well designed baghouse, electrostatic precipitator, or a wet scrubber of equivalent efficiency. The operating limits specified are intended to provide only for short time unavoidable variances from design conditions and for gradual deterioration of equipment during normal continuous operation. Deliberate or intentional operation of equipment at less than its intended design efficiency is considered to be a violation of this regulation.

Section 6.2 G

Stack Emission Test Method - Stack emission tests for particulate matter shall be undertaken as near as practicable to the "A.S.M.E Test Code for Dust Separating Apparatus, PTC 21-1941", the "A.S.M.E. Test Code for Determining Dust Concentrations in Gas Streams, PTC 27-1957", and the "Los Angeles County Source Testing Manual". These methods shall be used as a general guide, but may be modified or adjusted by the director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

(50.2) Section 6.3

Emission of Sulfur Compounds -

(51.6) Section 6.3A

Fuels and Emissions Relating To Power Generation, Steam Generation, Space Heating, and Service Water Heating

(1) No person shall cause or permit to be burned fuel whose sulfur content exceeds the sulfur in fuel limitation schedule.

(2) No person shall import, sell, purchase, exchange, deliver, store, transport, or offer for sale or exchange, fuel for burning in the county whose sulfur content exceeds the sulfur in fuel limitation schedule.

(3) Any person who supplies fuels containing more than 0.5% sulfur by weight directly to a user for burning in the county shall keep records of the percent sulfur by weight contained in such fuel by date delivered, quantity, and to whom sold. Such records shall be available for review by the division.

(4) Sulfur in fuel limitation schedule:

FUEL USE BY	FUEL TYPE	SULFUR IN FUEL, % BY WEIGHT EFFECTIVE DATE 8/1/72	8/1/73	8/1/74	8/1/75	8/1/76
Electric Power Plant & Central Steam Generation Including Gov't. Plants	Pulverized Coal	2.50	2.00	1.50	1.25	1.00
	Other Coal	1.00	0.75	0.50	0.50	0.50
	Distillate Oil 1 & 2	0.30	0.30	0.30	0.30	0.30
	Crude & Heavy Oil #4, 5, 6	1.25	1.00	0.70	0.70	0.70
Residential & Comm'l Space & Water Htg.	Coal	0.75	0.50	0.50	0.30	0.30
	Distillate Oil &1 & 2	0.30	0.30	0.30	0.30	0.30
All Other uses Not Specified Above	Crude & Heavy Oil #4, 5, 6	1.25	1.00	0.70	0.70	0.70
	Coal	1.00	0.76	0.50	0.50	0.50
	Distillate Oil #1 & 2	0.30	0.30	0.30	0.30	0.30
	Crude & Heavy Oil #4, 5, 6	1.25	1.00	0.70	0.70	0.70

(5) No person shall cause or permit a discharge into the atmosphere from any single fuel burning source of emission whatsoever sulfur dioxide in excess of the sulfur dioxide concentration in exhaust gas schedule.

(6) Sulfur dioxide concentration in exhaust gas schedule:

FUEL USE BY	FUEL TYPE	SULFUR DIOXIDE IN EXHAUST GAS, PARTS PER MILLION BY VOLUME CORRECTED TO 50% EXCESS AIR				
		EFFECTIVE DATE				
		8/1/72	8/1/73	8/1/74	8/1/75	8/1/76
Electric Power Plant & Central Steam Generation Including Gov't. Plants	Pulverized Coal	1400	1100	825	700	550
	Other Coal	550	420	280	280	280
	Distillate Oil #1 & 2	120	120	120	120	120
	Crude & Heavy Oil #4, 5, 6	500	400	280	280	280
Residential & Comm'l. Space & Water Htg.	Coal	420	280	280	120	120
	Distillate Oil #1 & 2	120	120	120	120	120
	Crude & Heavy Oil #4, 5, 6	500	400	280	280	280
All Other Uses Not Specified Above	Coal	550	420	280	280	280
	Distillate Oil #1 & 2	120	120	120	120	120
	Crude & Heavy Oil #4, 5, 6	500	400	280	280	280

(7)

(a) No person shall cause or permit the burning of fuel in any fuel burning equipment having a higher average sulfur content than the fuel burned during the previous twelve (12) calendar months based on a comparable BTU content. For the purpose of determining compliance, the average sulfur content of all fuel and fuels used during each of the calendar months prior to August 1, 1971, shall be determined by averaging the sulfur content of all fuel used during each calendar month on the basis of pounds of sulfur per million BTU's heating value of the fuel or fuels, which shall not be exceeded in any calendar month from and after August 1, 1971, when compared with the same calendar month of the previous year, and determined upon the same averaging basis.

(D) The use of fuels having sulfur contents as set forth in the sulfur in fuel limitation schedule shall not allow degradation in the mass rate of particulate emission. The division may require source emission tests which may be performed by the division or under its supervision at the expense of the owners of such equipment and may require the submission of reports to the division both before and after changes are made in the sulfur content in fuel.

(8) No person who installs new fuel burning equipment after August 1, 1972 shall cause or permit the emission into the atmosphere sulfur dioxide exceeding the sulfur dioxide in exhaust gas schedule stipulated for August 1, 1976.

(9) If the measured sulfur dioxide air quality in the county meets the necessary Federal Ambient Air Quality Standard before implementation of any effective date in Section 6.3A (4) and 6.3A (6), the board may suspend implementation of any portion of said schedules in whole or in part upon reasonable evidence that failure to implement such supplementary provisions will not compromise achievement and/or maintenance of the secondary Federal Ambient Air Quality Standard.

(2.0) Section 6.3B

Exceptions -

(1) The provisions of Section 6.3A (1) and 6.3A (7) (a) shall not apply to any person who has received an installation permit or certificate of operation from the division on a control device to desulfurize stack gases.

(2) The provisions of Section 6.3A (1) shall not apply to any person who uses a combination of fuels in such ratios as to meet the sulfur dioxide in exhaust gas schedule and such person shall procure written approval from the division for this exception.
The allowable emission will be based on the value in the schedule for the fuel having the higher allowable limit.

(3) The provisions of Section 6.3A (2) shall not apply to any person who imports, sells, purchases, delivers, stores, transports, or offers for sale or exchange fuel for burning in the county whose sulfur content exceeds the sulfur in fuel limitation schedule to another person who meets the requirements of Section 6.3B (1), 6.3B (2), or who has received a variance from the division.

(51.18) Section 6.3C

Sulfuric Acid Plants -

(1) No person shall cause or permit sulfur dioxide tail gas emissions into the atmosphere from sulfuric acid manufacturing plants to exceed 6.5 pounds per ton of acid produced.

(2) No person shall cause or permit sulfuric acid, including sulfur trioxide, emissions into the atmosphere to exceed 0.70 pounds per ton of acid produced.

(9.0) Section 6.3H

Methods of Measurement - Methods for sampling emissions covered in this article shall be as noted below. These methods shall be used as a general guide, but may be modified or adjusted by the director to suit specific sampling conditions or needs based upon good practice, judgment, and experience.

(1) Sulfur in fuel analysis:

(a) Coal: Sampling and analysis of coal ASTM D271

(b) Oil: Standard method of test for sulfur in petroleum oils ASTM D 1551.

(2) Sulfur dioxide in stack gas analysis:

Public Health Service Publication 999-AP-13(1965) Appendix B, p. 85-7.

(3) Sulfur trioxide in stack gas analysis:

Sulfuric acid in stack gas analysis:

Public Health Service Publication 999-AP-13(1965) Appendix B, p. 85-7.

(4) Hydrogen sulfide analysis:

Methylene Blue Method, Stern A. C., Ed. "Air Pollution", Vol. 11, Second Ed., 1968, p. 78-80. As researched by:

(a) M.S. Budd and H. A. Bewick, Anal. Chem. 24, 1536 (1952).

(b) M.B. Jacobs, M.M. Braverman and S. Hochheiser, Anal. Chem., 29, 1349 (1957)

(51.13) Section 6.4

Open Burning -

(a) Open Burning Prohibited - No person shall ignite, cause or permit to be ignited, allow or maintain any open fire.

(b) Exceptions -

(1) Open fires for the cooking of food for human consumption on other than commercial premises providing, however, such open fires will be subject to Sections 6.1 and 6.5 hereof.

(2) Open fires ignited for the purose of training firemen or for research in fire prevention providing the division has issued a firemen training permit under terms and conditions acceptable to the division.

(50.0) Section 6.5

General Prohibition -

(a) It shall be unlawful for any person to permit or cause the emission of such quantities of air contaminants from whatever source in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort, or safety of any person or the public, or in such manner as to cause injury or damage to property or business. Each day wherein a violation of this section occurs shall constitute a separate offense. Any act of emission of air contaminants from any single or multiple source in violation or excess of the limitations established in or pursuant to 6.1, 6.2, 6.3 and 6.4 of this regulation shall be unlawful, and may be ordered abated by the director. Such abatement may be in addition to the fines and penalties herein provided.

(b) Nothing in any section of this regulation relating to regulation of emission of air contaminants shall in any manner be construed as authorizing or legalizing the erection or maintenance of a nuisance.

(50.1) Section 6.6

Wind-Borne Pollutants - It shall be unlawful for any person to operate or maintain, or cause to be operated or maintained, any premise, open area, right-of-way, storage pile of materials, or vehicle, or construction, alteration, demolition, or wrecking operation or any other enterprise that involves any handling, transporting, or disposition of any material or substance likely to be scattered by the wind, or susceptible to being wind-borne, without taking precautions or measures that will eliminate the escape of air contaminants. No person shall maintain or conduct, or cause to be maintained or conducted any parking lot, or automobile and/or truck sales lot, or cause or permit the use of any roadway under his control unless such lot or roadway is maintained in such manner as to eliminate the escape of air contaminants.

(2.0) Section 6.7

Circumvention - Unless prior written approval is obtained from the director, no person shall build, erect, install or use any article, machine, equipment or other contrivance, the sole purpose of which is to dilute or conceal an emission without resulting in a reduction in the total release of air contaminants to the atmosphere. This section shall not apply for the control of odors, provided the limitations of Section 6.5 of this Article are met.

(51.9) Section 6.8

Domestic Refuse Burning Equipment

(a) The Provisions of this section shall apply to:

(1) "Type A. Domestic incinerators for burning rubbish and garbage" and

(2) "Type B. Domestic incinerators for burning ordinary paper or similar material only".

Direct-fed incinerators having a furnace volume or charging capacity of not over five (5) cubic feet. Such domestic refuse burning equipment may be installed in other than single and two-family dwellings provided the refuse is of a character for which the incinerator is designed and is not excessive in amount. Excessive amounts shall be defined as a normal day's accumulation in excess of twice the rated capacity of the incinerator.

(b) It shall be unlawful for any person or their agents to import, sell, offer for sale, expose for sale, exchange, deliver, or install in the county:

(1) Any make or model of domestic refuse burning equipment which has not been approved by the department.

(2) Any make or model domestic refuse burning equipment for the burning of any type of refuse other than the types for which the refuse burning equipment has been approved by the department.

(3) Provided that the imporation, delivery or transportation of such domestic refuse burning equipment by railroad companies and other common carriers in the course of their common carrier business, shall not be deemed to be a violation of the provisions of this section.

(c) All domestic refuse burning equipment shall be submitted to the department for approval and be subjected to such tests as may be deemed necessary to establish the performance efficiency, durability minimum installation requirements, air pollution potential and fire hazard potential under ordinary operation. For fire hazard potential and efficiency determinations, nationally recognized standards such as those of the American Gas Association and the Underwriters Laboratories may be employed.

(1) Upon approval the department shall designate such domestic refuse burning equipment as being Type A or Type B.

(2) Any approved domestic refuse burning equipment that is imported, sold, offered for sale, exposed for sale, exchanged, delivered or installed for use in the county shall bear a plate or tag in accordance with the standards set therefor by the department which identifies the equipment as domestic refuse burning equipment and the type for which it is approved.

(3) Any person whose domestic refuse burning equipment is submitted to tests by the department must pay all expenses necessary to the attendant tests, and the department shall furnish the submitter a copy of the results of such tests.

(d) Domestic refuse burning equipment shall be installed only by persons licensed by the department after qualifying for registration, or by a licensed gas or oil contractor when registered as herein provided. Such licensee shall be responsible for determining that adequate safe draft exists for such equipment and have the duty and responsibility to see that adjustments of combustion controls on all gas or oil burners used in connection with space heating equipment shall be made by a licensed gas or oil contractor.

(e) Nothing herein contained shall prohibit a bona fide owner of a one-family dwelling which is, or will be on completion, the owner's place of residence, from personally installing therein domestic refuse burning equipment regulated hereunder, provided, that the said owner shall:

(1) Sign an affidavit on a form furnished by the department showing the applicant to be a bona fide owner and occupant, or will be the occupant on completion of the residence; and that the applicant will personally install the equipment therein for which the installation permit is requested.

(2) Pass an examination showing that the applicant is possessed of the necessary qualifications for installing such equipment in accordance with the applicable provisions thereof. Such examination may be oral or written and may include practical demonstrations.

(3) Apply for and secure the required installation permit.

(4) Obtain the required inspection within seventy-two (72) hours after the installation has been completed and the equipment placed in operation.

(f) All installer licenses shall expire on the 31st day of March of each current year and shall be renewable within sixty (60) days thereafter.

The license of any person required by this regulation may be suspended or revoked by the Director, after a hearing, for a good cause shown.

It shall be unlawful in the county for any person whose license has been suspended, revoked or not renewed to engage in the business of installing incinerators covered by this section, until such expired license has been renewed or such suspended or revoked license has been reinstated.

(g) Installation permits and certificates of operation shall be obtained in accordance with the requirements of Article IV, of these regulations. Periodic renewal of certificates of operation shall not be required for domestic refuse burning equipment installed in one or two-family dwellings.

(h) The director, with the approval of the Board, shall develop and publish rules or standards for the testing, design and installation requirements governing domestic refuse burning equipment.

(i) The director, with the approval of the Board, may suspend the applicability of this section as to specific cities, townships or villages on the request of the governing body or such city, township or village when he finds that compliance with local ordinances or regulations would effectuate substantial compliance with the requirements of this section. Whenever the Director so suspends the applicability of this section he will, whenever he deems it necessary to assure compliance with this section, reinstate it with full force and effect generally, or for the purposes of a specific application.

(4.0) Section 6.9

If any single source of emission or combination of sources of emission be found to compromise the ambient air quality in the county, beyond the limitation set forth in any national primary and secondary ambient air quality standards now or hereafter established by the administrator of the environmental protection agency pursuant to the clean air act as amended December 31, 1970 (Public Law 91-640), not withstandanding compliance with any maximum allowable emission rate allowed by this regulation, the director may require such further reduction in emissions from this or these sources as is necessary to obtain compliance with said national primary and secondary ambient air quality standards.

(9.0) Section 6.10

Emission Recording Monitoring Devices - The director may require the owners of fuel burning, refuse burning or process equipment to install, maintain and use emission recording monitoring devices and to make periodic reports to the division on the nature and amount of such emissions and such reports shall become a public record. Failure to comply with the director's request shall be deemed to be a violation of this regulation.

(2.0) Section 6.11

All sections and subsections of this article are independent and mutally exclusive of one another except where otherwise indicated, and in the case where there is conflict in interpretation, the more restrictive requirements will govern.

(15.0)

ARTICLE VII

PROCEDURAL REQUIREMENTS

Section 7.1

Violation Notice -

If the director has reason to believe an emission from any source does not meet the provisions of Article VI hereof, a violation notice may be issued to the owner or operator of the source in question.

Section 7.2

Violation Procedures -

(a) Any person who is issued a violation notice of Section 6.2 or 6.3 may, within thirty (30) days from the date of receipt of said notice submit data to the director indicating reasons why he does not believe he is in violation of these sections. The director shall review the data submitted and within fifteen (15) days affirm or withdraw the violation notice by informing, in writing, the person receiving said notice of the decision to affirm or withdraw. To the case where such data is not submitted to the director within the thirty (30) days stipulated, the violation shall be considered still in force and affirmed.

(b) In the case of a violation of Section 6.2 and/or Section 6.3, the person cited, within ten (10) days of receipt of the director's decision to affirm the violation notice as provided for in Section 7.2 (a), (or within ten (10) days of a decision of the Appeals Board, should appeal be taken from the director's decision to affirm the violation notice), may ask that emission tests be performed to determine the extent of emissions from the operation which is the subject of the emission violation notice. If the tests indicate that the emission exceeds the maximum allowable emission standard applicable to the provisions under Section 6.2 or 6.3, the violation notice shall be considered substantiated. If the tests indicate that the emission is equal to or less than the emission standard applicable to the provisions under Section 6.2 or 6.3, then the violation notice shall be considered void.

(9.0)

ARTICLE VIII

SAMPLING AND TESTING

Section 8.1

Authority to Conduct Tests -

(a) The director is hereby authorized to conduct, or cause to be conducted, any test or tests of any new or existing process, fuel-burning, refuse-burning, or control equipment the operation of which he has reason to believe may result in emissions in excess of the limitations in this regulation, or when he has reason to believe there is evidence that emission from any such equipment are exceeding any emission limitation prescribed in this regulation. A full written record of test conditions, of test methods, and of test results obtained by the director shall be maintained, kept on file, and made available for study by the owner. Upon notification by the director that emission tests are considered necessary, a person may elect to conduct such tests himself. In this event, the person shall notify the director of this decision and of the time and date of such testing. All tests so conducted shall be in a manner acceptable to the director and in conformity with Section 6.3, 6.2G and/or 6.3H, and a full written record of conditions in test, of test methods, and of test results obtained by the owner or his authorized test agents shall be maintained, kept on file, and made available for study by the director. The director may stipulate that a representative of his office be present during the conduct of such tests and may stipulate a reasonable time limit for the completion of such tests with consideration for seasonal adverse weather conditions.

(b) Nothing in this section concerning tests conducted by and paid for by any person or his authorized agent shall be deemed to abridge the rights of the director or his representatives to conduct separate or additional tests of any process, fuel-burning, refuse-burning, or control equipment on behalf of the county at a reasonable time and at the county's expense except as provided in Section 8.3 below.

(c) When an owner gives written notification to the director that secret and confidential processes are involved in the specific industrial operation in connection with which emission tests are to be made or are being made, the director shall treat and hold any and all information and data collected or made available regardless of its kind or character as secret and confidential, and it shall not be disclosed or made available in whole or in part at anytime without the written authority of the owner.

Section 8.2

Test Facilities and Access - It shall be the responsibility of the owner or operator of the operation tested to provide, at his expense, reasonable and necessary openings in the system or stack, and safe and easy access thereto, to permit technically valid samples and measurements to be taken. All new sources of air contaminants erected after the effective date of this regulation may be required by the director to provide adequate openings in the system or stack, and safe and easy access thereto, to permit technically valid measurements and samples to be taken. If a person refuses to supply test openings, access scaffolding, and other pertinent facilities requested for the purpose of conducting valid emission tests by the director, the director shall notify such person to show cause before the director on a day certain, not less than ten (10) nor more than twenty (20) days from the date of notice, why the equipment should not be sealed.

Section 8.3

Test Costs - If emission tests conducted as a result of procedures outlined in Section 7.2 (b) substantiate the violation notice, the person or persons liable for the violation shall be responsible for paying all attendant costs for conducting said tests. If said tests do not substantiate the violation notice, issued, then the county shall be responsible for paying all attendant costs for conducting said tests. This latter condition shall not obviate the owners' or operators' responsibilities set forth in Section 8.2. Provided, however, if the person liable elects to conduct his own stack emission tests as stipulated in Section 7.2 (b) and Section 8.1, the person so electing shall pay for these tests irrespective of their outcome. The data obtained during stack emission tests shall be made available to the director and the owner of the equipment being tested at their request.

To the contrary notwithstanding, emission tests performed on installations, where such tests are a condition of the installation permit, shall be at the expense of the owner regardless of the outcome of the tests.

Section 8.4

Authority to Obtain Samples - The director is hereby authorized to obtain any sample of fuels, refuse, or process materials for examination and analysis. A copy of the results of the analysis shall be made available to the owner upon his request. Failure of the owner to provide such sample upon request of the director shall be a violation of this regulation. Upon written request of the owner, any information relating to secret processes, methods of manufacture, products, or production ascertained or discovered by the director or the appeals board during the conduct of their work shall not be disclosed in whole or in part and shall be held confidential.

(5.0)

ARTICLE IX

VARIANCES

Section 9.1

Variance Clauses - Where emission sources in existence prior to adoption of this regulation do not meet the emission limitations noted in Section 6.2 and/or 6.3 above, then a program to meet the emission limitations stipulated in Section 6.2 and/or 6.3 shall be developed and offered to the director by the owner of the equipment causing the emission. This program shall be submitted upon the request of and within such times as shall be reasonable determined by the director, and after said program has been approved by the director, the owner of the equipment causing the emission shall not be in violation of

Section 6.2 and/or 6.3 of this regulation so long as said program is observed. In evaluating such a program of improvement, the director shall take into consideration the following factors:

(a) Action taken to control atmospheric pollution within emission limitations in effect prior to this regulation.

(b) Efficiency of any existing control equipment relative to that which would be required to meet emission limitations of this regulation.

(c) Temporary interim control measures intended to minimize existing pollution levels.

(d) The effect the source of emission has on air pollution generally or in the immediate vicinity of the source.

(e) The degree of control in relation to other similar facilities which produce air pollution.

(f) The age and prospective life of the facility in question.

Reports indicating the progress of these programs shall be submitted semi-annually to the director by the owner of the equipment causing the emission in question. If progress of the program is deemed by the director to be unsatisfactory, the director may suspend the program and issue a violation notice.

In the event the owner of the quipment causing the emission and the director cannot evolve a mutually acceptable program of improvement, the matter shall be referred to the Appeals Board for resolution and determination of an acceptable program, which shall be binding upon both the owner and the director. In making their determination, the Appeals Board shall also take into consideration the factors noted in (a) through (f) above.

(16.0)

ARTICLE X

APPEALS

Section 10.1

Appeals - Any person taking exception to any decision, ruling, regulation, violation notice, or order issued by the director may appeal to the

Appeals Board. Such appeal shall be taken within ten (10) days after the decision, ruling, regulation, violation notice, or order complained of, by filing with the director a notice of appeal directed to the Appeals Board specifying the grounds thereof and the relief sought. A filing fee of $25.00 shall be posted by the appellant at the time of filing of the appeal to cover the cost of the hearing. The director shall forthwith furnish to the Appeals Board all papers relating to the decision, ruling, regulation, or order which is appealed. The Appeals Board shall set a date not less than five days and not more than thirty (30) days after the date of filing of the appeal for the hearing and shall give notice thereof by registered mail to all interested parties. Such an appeal shall act as a stay of the decision, ruling, regulation, or order in question until the decision of the Appeals Board is rendered, except that this shall not be construed to abridge the rights of the director to summarily abate a health or safety hazard. The Appeals Board shall, within a period of thirty (30) days after the hearing, affirm, modify, or set aside in writing the decision, ruling, regulation, or order of the director.

The decision of the Appeals Board shall be final unless reversed by a court of competent jurisdiction. Appeals from the decision of the Appeals Board shall conform to the rules applicable to appeals from state administrative agencies.

(15.0)

ARTICLE XI

SEALING

Section 11.1

Sealing - After previous notification of three or more violations of this regulation within a twelve-month period, in respect to the emission of air contaminants, a violator may be notified by registered mail to show cause before the director within ten (10) days why the offending equipment shall not be sealed. The notice shall be directed to the last address of the person to be notified or if the person or his whereabouts is unknown, then the notice shall be posted on or near the premises at which the violations have occured. If upon the hearing, at which the violator or his agent or attorney may appear and be heard, the director finds that adequate corrective measures have not been taken, he shall seal the equipment until such time as corrective measures are taken. The decision may be appealed to the Appeals Board, and such appeal shall stay the sealing until the Appeals Board renders a decision. It shall be unlawful for any person to break a seal that has been duly affixed by the director or his authorized representative unless authorized in writing by the director to do so.

(2.0)

ARTICLE XII

REGISTRATION OF EMISSIONS

Section 12.1

When required - The director may require the written registration of points of emission of air contaminants, whether by stack, duct, flue, equipment or by any other means when such information is necessary for the conduct of the work of the department. A period of sixty (60) days shall be allowed for the filing of such registration. However, in cases of emergency, the director may designate any lesser time which he believes to be justified.

Section 12.2

Content of Registration - The written registration of points of emission may include the following information: the location of the source of emission, size of outlets, height of outlets, estimated rate and composition of emission, nature of the equipment creating the emissions, and any other pertinent information specified by the director.

Section 12.3

Use of Information - The information furnished in such registration shall not be used as evidence in any action brought for violation of this regulation.

Section 12.4

Failure to Provide Information - Any person who fails to register information as required by the director shall be considered in violation of this regulation.

(16.0)

ARTICLE XIII

RIGHT OF ENTRY

Section 13.1

Right of Entry for Inspection - Any person who in any manner, hinders, obstructs, delays, resists, prevents, or in any manner interferes or attempts to interfere with the director, or police officers in the performance of any duty enjoined, or shall refuse to permit the director or such officers to perform their duty by refusing them, or either of them, entrance at reasonable hours to any premises in which the provisions of this regulation are being violated or are suspected of being violated, or refuse to permit the inspection or examination of such premises for the purposes of the enforcement of this regulation, shall be subject to the fines and penalties hereinafter provided.

(15.0)

ARTICLE XIV

PENALTIES FOR VIOLATIONS

Section 14.1

Penalties - Any person or any person acting in behalf of said person in an employee, agency, or contractual relationship violating any of the provisions of this regulation shall upon conviction be subject to a fine or imprisonment or both as provided by law.

Section 14.2

Multiple Sources - The unlawful emission of air contaminants from each stack shall constitute a separate offense.

Section 14.3

Injunctive Proceedings - Whenever any person has been found to have repeatedly violated provisions of Article VI of this regulation, the director may upon written approval of the Board of Health commence appropriate civil legal action in a court of competent jurisdiction in the name of the county to enjoin and restrain further continuance of such violation.

(2.0)

ARTICLE XV

SEVERABILITY

Section 15.1

Severability - It is declared that this regulation is enacted in the interests of the public health and welfare of the residents of the county. If any part of this regulation shall be declared to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this regulation, the Board of Health hereby declaring that it would have passed such remaining portions of this regulation notwithstanding such invalidity.

(16.0)

ARTICLE XVI

PUBLIC HEARING

Section 16.1

Public Hearing - No rule of the Board shall be adopted, amended or repealed except after a public hearing held upon at least ten days' prior notice.

(2.0)

ARTICLE XVII

REPEAL CLAUSE

Section 17.1

Repeal Clause - All previous regulations or portions of regulations adopted by the Wayne County Board of Health that are inconsistent with or in conflict with this regulation are hereby repealed.

(15.0)

ARTICLE XVIII

SAVINGS CLAUSE

Section 18.1

Savings Clause - Any prosecution arising from a violation of the Wayne County Air Pollution Control Regulation of 1965 and as amended March 20, 1969, which prosecution may be pending at the time this amendment becomes effective, or any prosecution which may be started within one (1) year after the date of effect of this amendment in consequence of any violation of any regulation repealed or modified herein which violation was committed previous to the date of effect of this amendment, shall be tried and determined exactly as if such regulation had not been repealed or modified.

FEDERALLY PROMULGATED REGULATIONS

(6.0) 52.1175 Compliance Schedules

(a) Federal compliance schedule -

(1) Except as provided in paragraph (b)(2) of this section, the owner or operator of a stationary source subject to R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health, shall comply with the final emission limitations in table 3 or 4 of such regulations on, or before, January 31, 1974. This paragraph shall apply in Macomb, Oakland, and St. Clair Counties of the Metropolitan Detroit-Port Huron Intrastate Region (81.37 of this chapter), the Michigan portion of the Metropolitan Toledo Interstate Region (81.43 of this chapter) and the South Central Michigan Intrastate Region (81.196 of this chapter).

(i) Any owner or operator in compliance with the emission limitations in table 3 or 4 of R 336.49 of the general rules of the Air Pollution Control Commission, Michigan Department of Public Health, on the effective date of this paragraph shall certify such compliance to the Administrator no later than December 31, 1972.

(ii) Any owner or operator achieving compliance with the emission limitations in table 3 or 4 of R 336.49 of the general rules of the Air Pollution Control Commission Michigan Department of Public Health, after the effective date of this paragraph shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of a stationary source subject to paragraph (b) (1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the emission limitations in table 3 or 4 of R 336.49 as expeditiously as practicable but not later than the dates specified in R 336.49 (7).

(i) If the owner of operator chooses to comply with the provisions of R 336.49 (7), Table 3, the compliance schedule shall contain dates by which contracts will be awarded to obtain the appropriate fuel and dates by which this fuel will be burned exclusively.

(ii) If the owner or operator chooses to comply with the provisions of R 336.49 (7), Table 4, the compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of on-site construction or installation of emission control equipment or process change; completion of on-site construction or installation of emission control equipment or process change; completion of on-site construction or installation of emission control equipment or process modification, and final compliance.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(4) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(c) The requirements of 51.15 (c) of this chapter are not met since compliance schedules with adequate increments of progress have not been submitted for every source for which they are required.

(d) Federal compliance schedules, (1) Except as provided in subparagraph (3) of this paragraph, the owner or operator of any stationary source subject to the following emission-limiting regulations in the Michigan implementation plan shall comply with the applicable compliance schedule in subparagraph (2) of this paragraph: Air Pollution Control Commission, Department of Public Health, Michigan Rule 336.49.

(2) Compliance Schedules

(i) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR (as defined in Part 81 of this title) shall notify the Administrator, no later than October 1, 1973, of his intent to utilize either low-sulfur fuel or stack gas desulfurization to comply with the limitations effective July 1, 1975, in Table 3 or Table 4 of Rule 336.49.

(ii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(a) November 1, 1973 - Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1975, and for at least one year thereafter.

(b) December 31, 1973 - Sign contracts with fuel suppliers for projected fuel requirements.

(c) January 31, 1974 - Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1974 - Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1974 - Initiate onsite modifications, if applicable.

(f) March 31, 1975 - Complete onsite modifications, if applicable.

(g) July 1, 1975 - Achieve final compliance with the applicable July 1, 1975, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(iii) Any owner or operator of a stationary source subject to subparagraph (2) (i) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with respect to the source no later than the dates specified.

(a) November 1, 1973 - Let necessary contracts for construction.

(b) March 1, 1973 - Initiate onsite construction.

(c) March 31, 1975 - Complete onsite construction.

(d) July 1, 1975 - Achieve final compliance with the applicable July 1, 1975, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(iv) The owner or operator of any boiler or furnace of more than 250 million BTU per hour heat input subject to Rule 336.49 and located in the Central Michigan Intrastate AQCR, South Bend-Elkhart-Benton Harbor Interstate AQCR, or Upper Michigan Intrastate AQCR shall notify the Administrator, no later than January 31, 1974, of his intent to utilize either low-sulfer fuel or stack gas desulfurization to comply with the limitation effective July 1, 1978, in Table 3 or 4 of Rule 336.49.

(v) Any owner or operator of a stationary source subject to subprargraph (2) (iv) of this paragraph who elects to utilize low-sulfur fuel shall take the following actions with respect to the source no later than the dates specified.

(a) October 15, 1976 - Submit to the Administrator a projection of the amount of fuel, by types, that will be substantially adequate to enable compliance with Table 3 of Rule 336.49 on July 1, 1978, and for at least one year thereafter.

(b) December 31, 1978 - Sign contracts with fuel suppliers for projected fuel requirements.

(c) January 31, 1977 - Submit a statement as to whether boiler modifications will be required. If modifications will be required, submit plans for such modifications.

(d) March 15, 1977 - Let contracts for necessary boiler modifications, if applicable.

(e) June 15, 1977 - Initiate onsite modifications, if applicable.

(f) March 31, 1978 - Complete onsite modifications, if applicable.

(g) July 1, 1978 - Achieve final compliance with the applicable July 1, 1978, sulfur-in-fuel limitation listed in Table 3 of Rule 336.49.

(vi) Any owner or operator of a stationary source subject to subparagraph (2) (iv) of this paragraph who elects to utilize stack gas desulfurization shall take the following actions with regard to the source no later than the dates specified.

(a) November 1, 1976 - Let necessary contracts for construction.

(b) March 1, 1977 - Initiate onsite construction.

(c) March 31, 1978 - Complete onsite construction.

(d) July 1, 1978 - Achieve final compliance with the applicable July 1, 1978, emission limitation listed in Table 4 of Rule 336.49.

(e) If a performance test is necessary for a determination as to whether compliance has been achieved, such a test must be completed by July 1, 1978. Ten days prior to such a test, notice must be given to the Administrator to afford him the opportunity to have an observer present.

(vii) Any owner or operator subject to a compliance schedule above shall certify to the Administrator, within five days after the deadline for each increment of progress in that schedule, whether or not the increment has been met.

(3) (i) Subparagraphs (1) and (2) of this paragraph shall not apply to a source which is presently in compliance with Table 3 or Table 4 of Rule 336.49 and which has certified such compliance to the Administrator by October 1, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(ii) Any compliance schedule adopted by the State and approved by the Administrator shall satisfy the requirements of this paragraph for the affected source.

(iii) Any owner or operator subject to a compliance schedule in this paragraph may submit to the Administrator no later than October 1, 1973, a proposed alternative compliance schedule. No such compliance after the final compliance date in the applicable compliance schedule of this paragraph. If promulgated by the Administrator, such schedules shall satisfy the requirements of this paragraph for the affected source.

(4) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in subparagraph (2) of this paragraph fails to satisfy the requirements of 51.15 (b) and (c) of this chapter.

(10.0) 52.1176 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000 or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(17.0) 52.1180 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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